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BOROUGH AND
COUNTY COUNCIL ELECTIONS

(EXCLUDING METROPOLITAN BOROUGH COUNCILS)

BEING

PRACTICAL NOTES ALPHABETICALLY ARRANGED, WITH
AN APPENDIX OF STATUTES AND FORMS FOR THE
USE OF CANDIDATES, AGENTS, CLERKS, CANVASSEERS
AND OTHER WORKERS AT SUCH ELECTIONS

BY

X (A BARRISTER)

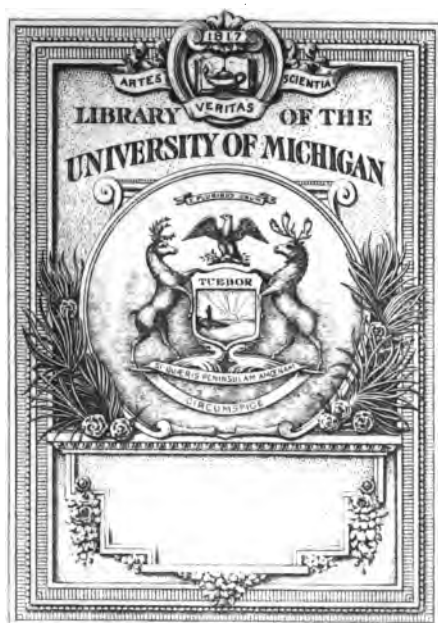
AND

Y (AN ELECTION AGENT)

LONDON & EDINBURGH
WILLIAM GREEN & SONS

1907

Price 2s. 6d. Net.





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PREFACE.

THESE notes, which relate to Borough and County Council (excluding London Municipal Borough) Elections, are the outcome of considerable experience in the work they deal with, and the authors have also had the advantage of valuable advice and suggestion from friends who have been engaged in all kinds of election work for many years. There is no intention of setting forth hard and fast rules, the object has rather been to say what courses are possible, with a view of leaving inquirers to deal with the information supplied according to local circumstances. The best electioneer is the man who deals with things as he finds them and not as he thinks they ought to be. Electoral areas vary so much in size that no attempt has been made to lay down fixed rules for all places. There may be a small collection of villages constituting the few hundred electors of a remote rural county, or the miles of streets which make up a London constituency. It is for each person who uses these notes to judge for himself what he can usefully employ. The notes are arranged alphabetically, and there have been added (by way of appendix) such statutes of practical utility as are necessary, together with a few forms. The notes are arranged for the ordinary inquirer rather than the legal expert, hence, except in a few instances, it has not been thought necessary to give authorities.

NOTE.—Elections of councillors in boroughs are governed by the Municipal Corporations Act, 1882, the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, and several subsequent small amending Acts. It being provided by the Local Government Act, 1888 (ss. 2, 75), that the council of a county and its members are to be constituted and elected and be in the like position in all respects as the council of a borough divided into wards, it will be seen that the methods of election and the penalties attaching to corrupt and illegal practices are practically identical, hence, broadly speaking, what applies to town councillors applies also to county councillors. This the authors have taken as a basis, and where any variation occurs have made the necessary note. In reading the notes for either borough or county purposes, it will be of assistance to remember that the following terms are corresponding :—Councillor and county councillor, county and borough, electoral division and ward, county elector and burgess, county register and burgess' roll. In most cases the necessity for alteration is obvious, but where there is any chance of mistake a note has been made.

References are, unless otherwise indicated, to the Municipal Elections (Corrupt and Illegal Practices) Act, 1884.

MUNICIPAL

AND

COUNTY COUNCIL ELECTIONS.

Absence of Candidate.

A candidate may be nominated in his absence, provided his written consent has been obtained within a certain time of the election (see "Nomination" herein), but if elected and he fails to return within six months in the case of a Municipal election, and twelve in the case of a County Council election, he becomes disqualified and his seat vacated. (Municipal Corporations Act, 1882, s. 39 ; Local Government Act, 1888, s. 75 (14).)

Address to Electors, Candidate's.

This should be issued in good time. Where a candidate is appealing for re-election, it is essential that a review of past work as well as schemes for the future be inserted. The appeal, though the candidate be supporting a local party platform, is frequently of a more personal nature than is usual in a Parliamentary election, as individuality is not so lost in local governing bodies.

As the margin of expenses allowed by law is very small, it is better to distribute the address by the aid of the candidate's workers. Copies, in larger type, should be sent to tradesmen, licensed victuallers and all supporters willing to expose them on their premises, but it should be remembered that the law prohibits any payment for such exposure (see "Illegal Payment"). While a few copies may be posted on advertising stations, much expenditure in this direction is not necessary if the work of distribution has been properly carried out. A useful form of address is a double sheet, the whole of the interior containing the address, and the exterior the candidate's portrait, underwritten with "reasons" for supporting him. In places where the expenditure limit will allow, it is of course better to post the address, accompanied by two or three well-selected leaflets to every elector. The address should be posted to reach electors on Saturday, as on that day and Sunday they have time (and probably more inclination) to read. By giving two or three days' notice to the local office, arrangements can always be made to send the address, &c. prepaid, the envelopes being delivered in bundles, according to the directions of the post-master.

Agent.

Neither the appointment of election agents or sub-agents is authorised in Municipal and County Council elections, and consequently much more direct responsibility falls on a candidate. There is no law against the

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giving or to the offering of money only, but includes any valuable consideration.

Mr. Justice Kennedy, in charging the Devonshire Grand Jury recently, said (*vide Western Morning News*, February 6, 1905), "It was alleged that the accused offered a valuable consideration to a voter to induce him to vote, and that he afterwards gave him a cardigan jacket. Of course, anybody who gave, or promised, or undertook to give anything in the nature of money or any other valuable consideration whatever for a voter to vote, either at a Municipal or Parliamentary election, was guilty of bribery, and it was an offence which was justly punishable."

It does not matter when the valuable consideration is received. It is sufficient if it be given—at any time—as an inducement either to vote, or not to vote, at a particular election. The bribery may take place by benefiting the voter's family, if the intention be to influence *his* vote.

Examples:—Lady canvassers are very apt to promise soup and food tickets, hospital and convalescent home orders, &c. to a voter or to members of his family. This is bribery, and it is immaterial when the tickets are given if the intention is to influence the voter.

Cigars sent round at a meeting, or drinks offered at the door when leaving, are as illegal as is the gift of half-a-crown.

To sell tickets for banquets, entertainments, &c. at a price far below the cost of the proceedings, the balance being made up by the candidate, is bribery.

Betting long odds with a voter that he will not vote for a certain candidate is simply another way of giving him money.

BRIBERY DEFINED.

It is illegal for any gift, loan, promise of money or money's worth, or offer or pro- mise of situation or employment	}	to be made to any voter (or to <i>any member</i> <i>of a voter's family</i>)	{	with the intention of inducing any voter <i>either to vote or to ab-</i> <i>stain from voting.</i>
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It is immaterial whether the act be committed before, during or after the election.

It is immaterial whether the act be direct or indirect; *e.g.*, giving money for bribing purposes is committing the offence of bribery.

Payment for broken time, or allowing wages in "playing" time to induce voters to vote for a particular candidate, is bribery. [NOTE.—An employer may allow *all* his men "off" to vote without stopping pay. This was settled by 48 & 49 Vict. c. 56, which was merely declaratory of the law then existing.]

Payment of a voter's travelling expenses may be equivalent to bribery, but in this respect see "Illegal Payments."

The persons bribing, bargaining to bribe, bribed or bargaining to be bribed are all equally guilty.

This offence is the most serious known to election law, the penalty being up to twelve months' imprisonment, with or without hard labour, or

a fine of £200, together with loss of electoral privileges (as to every kind of election) for seven years.

Committed by or with the consent or knowledge of a candidate, if elected, the seat is lost, and in any case there attaches inability ever to hold a corporate office for the borough or county (as the case may be) in which the election was held (s. 3 (1)).

Committed by an agent, election void, candidate incapable of holding corporate office for three years (s. 3 (2)).

Candidate.

QUALIFICATION.

Municipal.

1. Must be enrolled on the burgess roll, and at the time of nomination must possess such qualifications as would entitle him to be put on the roll; or

2. If resident beyond seven, but not more than fifteen, miles from the borough (straight line on Ordnance map from outer limit of borough) and qualified, except for residence to be on burgess roll; and

3. Possessor of real or personal property to a certain value in the borough. (See Municipal Corporations Act, 1882, s. 11; Appendix, p. 422.)

Provided that any person shall be qualified to be elected, and to be a councillor who is at the time of election qualified to elect to the office of councillor. This proviso is alternative, and means that if a candidate does not come under 1, 2 or 3 above he may qualify under the proviso. Shortly, any person rightfully on the register, if a man, is qualified to be councillor, unless he incurs some special personal disqualification.

County Council.

The qualification is as for a borough, reading in the necessary changes in the words, *i.e.*, practically any one who is a county elector is entitled to be elected to the office of county councillor, if a man, and not under some special personal disqualification.

There are also two additional qualifications :—

- (1) Being a peer owning property in the county.
- (2) Being registered as a Parliamentary ownership voter in the county.

London County.

In the administrative County of London, all parochial electors are entitled to vote at elections for County Councillors, and therefore they too would be qualified to be elected as County Councillors if not already otherwise qualified.

DISQUALIFICATIONS.

The disqualifications mentioned below, so long as they exist, make it useless for a person to be nominated as a candidate, as they prevent him from taking up the office of councillor :—

1. Infants, aliens and those not entitled to be enrolled on the Burgess

(or County Electors') Roll, or on the separate non-resident lists above mentioned.

2. Anglican and Roman Catholic clergy and regular ministers of dissenting bodies. *This does not apply to County Councils*, as such clergy and ministers are expressly exempted from disqualification by s. 2 (2) (a) of the Local Government Act, 1888.

3. Persons who have received union or parochial relief from the rates, or other alms, within twelve months of the 15th day of July preceding the election. Medical relief only does not cause disqualification (48 & 49 Vict. c. 46).

4. Women.

5. Recorder (for his borough), but the recorder of a borough would not be disqualified as such from being elected to the County Council of a county in which his borough was situated.

6. Regular officers of the Army and Navy on the active list, whether on full pay or not. Militia, yeomanry, volunteer officers are not disqualified. For County Councils no officer, whether regular or auxiliary, is disqualified.

7. Holders of offices of profit (other than those of mayor or sheriff) in the gift of the council; and it is immaterial whether the holder of the office does or does not receive the profits thereof. The mayor of a borough, or a person appointed Returning Officer by a County Council, is not thereby disqualified unless he acts as a Returning Officer at his own election, in which case he would become a judge in his own cause, an obviously impossible position. If a Returning Officer is paid he is in the employment of the Council, and is thereby disqualified from election within the limits of the Council employing him. In a county a coroner is expressly disqualified from being elected either an alderman or a councillor. Elective auditor (*these exist in boroughs only*).

8. Persons who have directly or indirectly, by themselves or their partners, any share or interest in any contract or employment with, by or on behalf of the Council.

This prohibition is very far-reaching, the only exceptions being interests in (1) the lease or sale of land; (2) the loan of money to the corporation; (3) a newspaper (for advertisement purposes); (4) companies contracting with the Council for lighting, supplying water or insuring against fire; (5) any incorporated company; (6) any registered industrial and provident society.

In County Councils there is the further exception that a member may supply from land of which he is owner or occupier materials for repairing highways or bridges, but not to the extent of more than £50 in any one year.

[NOTE.—Town and County Councils frequently make grants of money towards the salaries of officers of local authorities (such as the medical officer of an Urban or Rural Council), or give voluntary aid to technical or other schools. The position of the medical officer and of the teachers of the school at once comes into question if either wishes to stand as a Town or County Council candidate. Such cases have not yet come before the Courts, but the general view of local government experts seems to be that the deciding factor is the position of the officer or teacher towards the County Council. If it is a position in which appointment, direction, dismissal and direct pay are quite outside the power of the Council, then

it is safe to assume that there is no employment of service with such Council, and consequently no disqualification. The matter is much more doubtful in the case of a teacher of a school kept up by the County Council, and would seem to depend on the nature of the management of the school and the control exercised by the Council, and before such a person takes up a candidature he should carefully inquire into the matter.

9. Persons who have been concerned in corrupt or illegal practices at elections, and whose conduct has brought upon them electoral disabilities.

10. Persons convicted of offences which have procured them penal servitude or imprisonment with hard labour, or exceeding twelve months, while the sentence is unexpired (ticket of leave men are unexpired).

12. Persons who, holding public offices, are convicted of corruption in such offices, and who have been deprived by the Court of power to hold office, for such time as may have been declared.

13. Bankruptcy. The disqualification ceases (a) on discharge, with certificate to the effect that the bankruptcy was caused by misfortune without misconduct; or (b) five years after discharge.

As to the position of a person who has compounded with his creditors, or made an arrangement with them, the authorities seem to take the view that though this would vacate his office of councillor it would not preclude him from becoming a candidate. (Rogers on *Elections*, Vol. 3, p. 23, 1906 ed.)

[See also "Responsibility" herein.]

Canvassers and Canvassing.

It is illegal to employ *paid canvassers* (s. 13), but it is allowable to expend money on canvass cards, papers, pencils, registers, &c.; such expenditure being permitted under miscellaneous expenses. A candidate or agent who commits the offence of illegal employment is guilty of an illegal practice (s. 13 (2)).

People who have been found guilty of misconduct at elections should not be used as canvassers.

For election purposes a canvasser is one who solicits or persuades, or attempts to persuade or to solicit, any person to vote or to abstain from voting.

It is important here to notice what is the meaning of *payment*.

The expression includes any pecuniary or other reward, office, place, employment, valuable security or other equivalent for money.

Canvassers must be wholly voluntary.

They must be during, before or after the election (1) neither given nor promised money or money's worth—such as refreshments, promises of employment, &c.

[NOTE.—This must be carefully borne in mind. It is too often the custom to provide light refreshments for canvassers during their work. Such are distinctly money's worth, constituting payment, and therefore make an illegal hiring. It would not, of course, be illegal for two or three canvassers to refresh themselves at the house of a friend; but if the refreshment is provided at the expense of the candidate, the act is illegal. Nor is a supporter allowed to provide refreshments for the canvassers, because none other than the candidate is allowed to incur any expense in

connection with his return, and this would be an "illegal hiring." On the other hand, a supporter of the candidate would do no harm in asking friends—who are also canvassers—to "drop in" and have some refreshments. What must be carefully guarded against is a state of things which enables those who are running the election to say to their canvassers—"You will find something to eat and drink between one and two at the John Street Committee Room, and Mr. Jones of 6 Brook Street has kindly arranged to have tea going between four and six for the ladies canvassing in his district."]

Canvassing is fraught with many risks, as a volunteer canvasser recognised by the candidate's organisation is for all practical purposes his agent; and if this agent during the course of his self-imposed duty commits an illegal or corrupt practice, the candidate suffers, even though such act may be in direct opposition to his express instructions.

The usual practice in canvassing is to take the polling district as the unit. Where there is only one committee room (as may quite likely be the case in many electoral areas) the whole of the work of the election is done from it. In such a case it is necessary to map out the whole electoral area into workable sections, and to put a capable "captain" in charge of each section. If sufficient workers can be got, the smaller the section (within reasonable limits) the better the work is likely to be done; the canvassers are in touch with the "captain" (who wherever possible should be a resident in his section, and can be on the spot continually), and do not need to be always running to the committee room for instructions. Where it is possible to have more than one committee room, either by reason of the numbers of the electorate or through kind loans by supporters, it should be clearly understood which committee room is headquarters, so that there may be no confusion nor delay in communications. Whether there be one committee room or ten the system of canvassing by sections and "captains" is always possible.

Women are frequently effective canvassers (with both sexes), as they often have an excellent knowledge of local conditions, and will probably already be well known to many of the voters.

In addressing his canvassers, it is advisable for the person in charge carefully to explain to them the law as to bribery, treating and undue influence (see those heads herein), and to see that a copy of the following instructions is handed to them and explained when they receive their canvassing cards:—

1. You must neither give nor promise to give at any time any money, nor anything of money's worth, to any voter, or to any of his family, with the intention of securing his vote. Every breach of the law by you in your canvassing duties renders your candidate liable to an expensive petition and to the loss of his seat, if elected. These instructions are compiled from election law, and must be explicitly carried out.
2. You must never treat, nor promise to treat, any voter (or any of his family) with the intention of securing his vote.
3. You must neither give, nor promise to give, employment to any voter (or any of his family) with the intention of securing his vote.
4. You must never promise any voter, directly or indirectly, that if he votes for your candidate, your candidate will give him or his family employ-

ment, or will give any money or money's worth to any society, church, chapel or association in which the voter is interested.

5. You must never promise any voter that if he votes for your candidate, you or the candidate will give him or his family any charity, hospital or convalescent home ticket, or any order for food or drink.

6. You must not threaten any voter, either directly or indirectly, that unless he votes for your candidate you will take steps to cause him or his family loss or annoyance.

7. You must not threaten, either directly or indirectly, any voter that unless he votes for your candidate he or his family will suffer spiritual harm.

8. You must not attack the personal character of the other candidates, as if your statements were proved incorrect your candidate might lose his seat.

9. You must neither pay, nor offer to pay, nor promise to pay, for the conveyance of any voter to the poll.

10. You must not press yourself on voters who are unwilling to see you; and you need not waste your time nor try your temper by discussion with known opponents.

11. You must not publish a false statement of the withdrawal of any other candidate.

12. You must not make any payment, however small, nor must you incur any liability, on account of any matter connected with the election.

13. You must secure all the information you can as to the deaths, removals, absence and bad illness of voters, and general feeling towards your candidate in your district, and report everything that seems of interest on returning to your committee room.

14. Your careful attention to the detailed instructions given on your canvassing cards will greatly assist the working of the election.

Recording Results of the Canvass.—The local committee room should be supplied with four copies of the register (covering the area dealt with); canvass cards [Appendix, Form 4]; canvassers' name-sheet; forms for daily return of canvass [Appendix, Form 5].

One copy of the register is for daily use, one copy for the polling agent, and one for cutting up and making wall-sheets for use on the polling day.

INSTRUCTIONS TO PERSON IN CHARGE OF COMMITTEE ROOM.

1. Keep a record of the names and addresses of all canvassers, and of the cards issued to them.

2. Accept no card as complete until everything possible concerning the voter has been ascertained.

3. Divide the returned cards into *four* bundles:—(a) For; (b) Against; (c) Dead, not expected to vote, Duplicates, Disqualified; (d) Removals.

4. As to (a) File carefully and sort in order into streets, squares, villages, sections, &c. (i.e., the particular area covered by the canvasser), first noting and recording every instruction as to conveyances, &c. for the polling day.

5. (b) May be filed and put away, if you are quite certain nothing can be done to alter the opinions expressed.

6. (c) Must be filed and carefully noted for personation purposes.

7. (d) Removals may be (1) quite out of the electoral area, or (2) into another part of it; in the first case, obtain all the information you can, and send the card to the central committee room; in the second, ascertain the whereabouts of the voter, and send his card to the central committee room to be forwarded on to the other district to be there dealt with.

8. You will probably receive inquiries from other electoral areas as to removals. Ask your canvassers to inquire and to give you what information they can get. Forward the result as soon as possible to the central committee rooms. [NOTE.—Canvass cards used for removals should be coloured.]

9. Mark your register each day before putting the day's cards away.

10. Make up a canvass return each day and send it to the central committee room, retaining a duplicate. [Appendix, Form 5.]

11. Get your canvass completed as quickly as possible, consistently with accuracy.

12. On the day preceding the poll, mark your polling agent's register from your own copy, and be most careful to give the fullest information as to "Dead," "Too ill to vote," "Too far away to vote," "Duplicate," "Disqualified" by employment for payment at election, or by being found guilty of election offences. Wherever possible, these notes should be accompanied by the "political mark" of the voter (*i.e.* a coloured pencil mark to indicate which side the voter takes in the contest). See that your polling agent is thoroughly grounded in these marks, and point out to him any particular name you have reason to think should be watched with extra care.

13. On the day preceding the poll, cut up another copy of the register and paste it on cardboard for the wall, having first put in the "political marks." This is for use on the polling day.

[NOTE.—In order to diminish expense it is not unusual to replace canvassing cards by small "washing" books, into which the names of all the voters to be canvassed by a worker are inserted. If this be done and a page given to each name, the pages can be dealt with at the committee room just as if they were cards, or the books may be preserved intact, and entries made from them when brought in for the canvass returns. Such a method is difficult to pursue, unless the canvasser has his own book as worker on the polling day, which of course is the only complete plan.]

Carriages and Conveyance of Voters to the Poll.

It is illegal, knowingly, to

Let, Hire, Lend, Borrow, Employ, Use,	{	Public Stage or Hackney Carriage,	{	for the conveyance of electors to or from the poll (s. 10).
		or		
		horse or other		
		animal kept or used		
		for drawing the same,		
		or		
		carriage horse or		
		other animal kept or		
		used or let out for hire,		

10 CARRIAGES AND CONVEYANCE OF VOTERS TO THE POLL.

[NOTE.—The hiring of a carriage by any elector, at his own cost, to convey himself to the poll, is, of course, allowable (s. 10 (3)).]

Shortly, the use of any horse, carriage or motor car which is let out for public hire is prohibited for the purpose of conveying voters to or from the poll. If the answer to the question—Is the animal or vehicle or motor car commonly used for hire? is in the affirmative, then such animal or vehicle or car must not be used for election purposes. Its public use excludes it for election purposes. Voluntary assistance alone, in the matter of conveyances, has to be relied on.

Except at casual elections, the polling days of Municipal and County Council elections are known some weeks beforehand, therefore it is advisable for a candidate who wants carriage help to be early in the field. It is better to apply to lenders either personally or through prominent supporters. Many lenders are willing to send carriages for two or three hours only, and this help should gladly be taken, as if proper arrangements have been made there should be no difficulty in finding work for every carriage lent.

Although it is illegal to hire men, horses or carriages, it is not illegal for a master to "let a man off" to work at the election, and still to pay him for the broken time.

The first care must be for those who cannot poll without help. The names of the sick and invalid will have been brought in by the canvassers, and the times noted at the committee room when the conveyances will be required. These notes will in the ordinary course have been reported to the central committee rooms, so that it will be known there how many carriages are needed in any given place. Often there are many voters working at some distance from the polling station whom it would greatly convenience to be driven there, and canvassers should do their best to find this out, make up a party, and inform their voters that a conveyance will be ready for them on the polling day at the time fixed. They should themselves fetch and poll these voters. The rush of such voters comes, in the towns, at the dinner hour and after the day's work, and therefore the canvassers should be told to arrange for their sick and infirm voters to be taken in the morning or the afternoon, when the bulk of the people are at work.

With the first appearance of a carriage the driver should be told his time for rest and refreshment for himself and horse, and a place indicated where such conveniences can be found.

Casual Vacancies.

The election is to be held within fourteen days after notice in writing of the vacancy has been given to the mayor or town-clerk by two burgesses, and is conducted in the same manner as an election to fill an ordinary vacancy.

As to County Councils, the notice is given to the chairman by any two county electors, but where a vacancy occurs within six months of the ordinary day of retirement of County Councillors, such casual vacancy is not to be filled up.

[See "Day of Election."]

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Clear Days.

This expression is often used in official instructions for sending in notices, &c.

ILLUSTRATION.—Polling day fixed for May 1. Something to be sent in *one clear day* before polling day.

Time—April 29 (*i.e.*, leaving one clear day (April 30) before May 1); if, however, April 30 be a legal holiday (as Sunday) then April 28 becomes the time. There must be one clear (*legal*) day.

Cockades, Favours, &c. See BANDS OF MUSIC; ELECTION OFFENCES.

Committees.

As soon as convenient after a candidate has decided to come forward, he should get together his supporters and constitute a committee, which should in all respects be thoroughly representative of the electoral area. In local elections such a committee is practically his body of prominent workers, and care should be taken to avoid calling it together often, unless discussion is really needed. The main object is work, and work does not consist of solemnly meeting together at a stated hour daily to talk about nothing in particular. The most telling work is the visiting and talking done by an energetic person in a district where he is well known and respected, and anything which takes him away for long from such work is to the detriment of his candidate.

In county electoral areas villages form natural centres, and nominal committees should always be constituted for these. Membership of a committee often makes a hitherto passive supporter take an active interest in affairs, and a man who has officially identified himself with a cause or a candidate is much keener on a victory than if he had remained a mere looker-on.

Wherever there is a local committee there should always be some person definitely in charge, so that headquarters always know to whom communications may be sent.

At the first general meeting of a committee (really the workers) either the person who is in charge or some one from headquarters should carefully explain the plan of campaign for the election, and should also warn all workers (1) that they are collectively and individually agents of the candidate for the purposes of the election, and (2) that any illegal act committed by them will probably cause him, if elected, the loss of his seat, besides subjecting him and themselves to various severe penalties, such as heavy fines, and possibly imprisonment and loss of electoral privileges.

It should then be explained, quite shortly, what constitutes bribery, treating, undue influence, personation and illegal hiring and payments; and the more homely the illustrations given the better will these offences be understood and avoided.

Existing committees of political or other associations should never as such constitute themselves part of the organisation of a candidate. Where it is desired to support a candidate, his whole machinery should be constituted afresh for the election, and any association desirous of supporting him should instruct their members to join the candidate's organisation individually.

Committee Rooms.

The Act gives no definition of committee rooms, but excludes from the term the dwelling-place of the candidate, and provides that because a candidate addresses workers or others in a room such room does not necessarily acquire the character of a committee room (s. 34).

For election purposes a committee room may be regarded as a room, or set of rooms, where the business of forwarding a candidature is going on continually, and where friends and workers have free access for the purpose of being properly advised and directed.

It is illegal to have a committee room (s. 16)—

- (1) On any premises *licensed for the sale of intoxicating liquor, on or off.*
- (2) On premises where *intoxicating liquor is supplied to any members of a club, society or association.*
- (3) On *premises where food or drink are ordinarily sold for consumption thereon.*

As to (1).—It is immaterial whether the licence be issued by Justices or by the Inland Revenue authorities, the test is (a) the licence issued for (b) the sale of intoxicating liquor. Within this proviso would be included the ordinary public-house (whether with an on or off, or both licences), the premises of grocers selling wine or liquor, wine and spirit merchants, brewers, cider or perry dealers, and taverns and railway bars. If any part of licensed premises be ordinarily let off for public meetings, arbitrations, &c. (and such part have a separate entrance and no communication with the liquor-supplying part of the licensed premises), it is allowable to have there a committee room.

There is a possible danger of breach of this provision unwittingly in country districts. The village inn is usually the place of meeting for every purpose. Supporters of a candidate must be very careful not to conduct election business there, and so constitute the place a committee room. The prohibition extends equally to lent rooms which have not been paid for.

As to (2).—This compels candidates and their workers to be very careful not to conduct any part of their campaign from a club where liquor is supplied to the members.

As to (3).—The object here again is to prevent the possibility of treating, and, needless to say, the drink need not be alcoholic. It would be illegal, for instance, to accept the loan of, or to hire, even as a little outside committee room, any part of the premises, say of a small confectioner who ordinarily supplied customers with food which they consumed in his shop.

The number of committee rooms which may be hired is strictly limited, and varies with the size of the electoral area.

As many rooms may be *borrowed* for use as committee rooms as the candidate cares to ask the loan of, but the number of *hired* rooms is strictly limited.

There may be hired only one committee room, but if the number of electors exceed 2000 there may be added one additional committee room for every 2000 electors, and every incomplete part of 2000 electors beyond the first 2000.

POINTS IN HIRING COMMITTEE ROOMS.

1. Let the room be as central as possible for the convenience of workers, and as prominent as possible for the convenience of the public.

2. Do not hire more than the allowed limit, and you need not necessarily hire all the law allows.

3. In view of the restrictions imposed by the Act, be particularly informed as to the trade of the lessor.

4. Remember that by payment money alone is not meant.

5. Be certain you are dealing with the person who has the right to let.

6. Make your agreement beforehand in writing, and fix the following matters then :—

(a) Exactly what space you have hired. (b) Day tenancy begins and day ends. (c) Fire, light, cleaning, attendance. (d) Rent. [See Appendix, Form 6.]

It is of course quite allowable to hire suitable premises from a voter, but the consideration which he is to receive must be only that which would ordinarily be paid for such a convenience, otherwise the hiring may be deemed "colourable," *i.e.*, a mere cloak for bribery.

It may be that on a polling day it will be found convenient to use the house of some supporter living near the polling booth as an extra committee room for workers who are polling their promises and desire to be in touch with the polling booth, or who wish to send messages and cannot leave their "beat." If such a room be taken either on loan or on hire, every consideration which has already been mentioned applies.

THE WORK OF A LOCAL COMMITTEE ROOM.

Requisites :—

- (1) Canvass cards for the area covered by the polling district.
- (2) Four copies of the register (*i.e.*, that portion of the register covering the local area).
- (3) Stationery.
- (4) Leaflets and spare copies of candidate's address.
- (5) Copies of instructions to canvassers, polling clerks and counting agents.
- (6) Copies of statements as to bribery, treating, &c.
- (7) Map of district.

The following information should be from time to time supplied by local workers and canvassers as to the condition of the register :—

- (1) List of voters.
 - (a) *Dead.*
 - (b) *Removed.*
 - (c) *Absent* and unlikely to poll, *Disqualified.*
 - (d) *Too ill to vote.*
- (2) Demands for literature and *leaflets.*
- (3) Special inquiries as to *candidate's opinions.*
- (4) *Carriages* required on polling day—
 - (1) For sick voters.

- (2) For voters working at a distance.
- (3) For those who need not, but prefer to ride.

For the method of dealing with canvassers' returns, see "Canvassers and Canvassing" herein.

[NOTE.—Food and drink should not be allowed in committee rooms. Workers in the rooms ought to go outside for refreshment.]

Conduct of Election.

OUTLINE TABLE.

The table is arranged as if the candidate were in personal superintendence. Where an agent has been appointed, or one of the clerks or messengers placed in charge, it should be correspondingly varied when necessary. It is only an outline to help the memory, and the separate headings in the book should always be studied for details.

PRELIMINARY.

1. Summon a private meeting of principal supporters.
2. Hire central committee room.
3. Appoint an agent if you intend having one (*i.e.*, a clerk who takes upon himself an agent's duties).
4. Appoint two paid workers, and make some one responsible for looking after the central committee room.
5. Call a general meeting of supporters and workers, get formally adopted, constitute a committee, and address your workers on corrupt practices, &c. and the general scheme of organisation.
6. Purchase canvassing cards or books, registers, map of electoral area, stationery, &c., and make estimate of expenditure.
7. Make arrangements for other committee rooms (if allowable by law), and appoint other messengers and clerks to the number required.
8. Where there are no other committee rooms, make arrangements for splitting up the electoral area into sections for canvassing, seeing that each section is in charge of a capable "captain." If there are other committee rooms, define their area of work so as to prevent overlapping, appoint a responsible person to take charge, and see that he understands the method of canvassing and working.
9. Issue address, and arrange for circulation either by (1) post; (2) workers; (3) advertisement contractors.
10. Distribute canvassing cards or books, copies of registers, &c. to the committee rooms, and see that the persons in charge thoroughly understand the system.
11. Make arrangements for public meetings.
12. Make arrangements for printing, posting and advertising.
13. Procure and circulate leaflets.
14. Make appeal for carriages on polling day.

NOMINATION.

15. Get nomination forms from Returning Officer. Have a number of these filled in, paying careful attention that everything is in order.

16. See that candidate delivers in his nomination papers.
17. Prepare and send in notice of appointment of agent to attend at hearing objections to nominations.
18. Attend day after last day for nominations to make any objections to other nominations.

FOR POLLING DAY.

19. Issue polling cards, by post if you can afford it, giving due notice to the postal authorities.
20. Make final carriage arrangements, in accordance with the requirements sent in by the workers.
21. Appoint polling (personation agents) and counting agents, and notify both sets of appointments to the Returning Officer, and obtain from him necessary permits.
22. Issue instructions to polling and counting agents.
23. See that all who will be (1) either in the polling booths or (2) in the counting room make the declaration of secrecy.
24. Issue to other committee rooms (if any) and to workers in charge of sections instructions for polling day.

AFTER ELECTION.

25. Issue notices to creditors (if there are any accounts outstanding) to send in all claims within the time fixed by statute.
26. Receive and pay all legal claims.
27. Receive from agents accounts of their expenditure, together with vouchers.
28. Send in full return of expenses, together with declaration, to Returning Officer.

Constables Voting.

A constable on duty at an election, if serving at a place other than his polling district, may, nevertheless, vote at whatever station he happens to be posted. He must, however, bring a certificate from his Chief Constable stating his name and number in the police force, and his number and description on the Register of Voters, and also the fact that he is being employed in a place other than his own polling district. (Police Disabilities Removal Acts, 1887 and 1893.)

Counting Agents.

There is no express provision in any Act of Parliament authorising the appointment of counting agents, but s. 58 (6) of the Municipal Corporations Act, 1882, provides that if agents be appointed and notice in writing is given to the Returning Officer one clear day before the polling day, then the provisions of the Ballot Act, 1872, as to agents of candidates, apply as regards the agents notified. Nor may a counting agent as such be paid.

There may be as many volunteer counting agents as the Returning Officer cares to admit; these are appointed by the candidate, and inquiry should be made as to how many will be required. [Appendix, Form 10.]

The Returning Officer must be notified of the appointment one clear day at least before the opening of the poll. The following are disqualified:—Officials connected with the election, and their partners and clerks; persons previously found guilty within the last seven years of corrupt practices.

A declaration of secrecy (*q.v.* herein) must be made, and this attested declaration, together with his permit to attend from the Returning Officer, the counting agent must bring with him to the counting room. His duties are—

- (1) To see that the secrecy of the ballot is preserved.
- (2) To object to all doubtful votes on the other side.
- (3) To support all challenged votes on his own side.
- (4) To see that the members of the Returning Officer's staff discharge their duties properly.

[NOTE.—Counting agents are advised to read over rules 31–36, being part of Sched. I. of the Ballot Act, 1872 (*q.v.* Appendix, p. 38), relating to the counting of votes.]

Day of Election.

Ordinary.—Municipal.—1st November.

County Council.—Such day between the first and the eighth day of March as the County Council fix. This must be fixed six weeks before March 8th, or the election will take place on that date.

Casual.—The day of election is fixed by the mayor or the chairman, as the case may be, but the election must take place within fourteen days of the receipt by him of the notice of the vacancies.

Nine days at least before the election of a councillor the proper officer must prepare and sign a notice of election, and post it in some conspicuous place.

[See “Nomination.”]

Death of Candidate.

Of course immaterial if before nomination; but if it takes place after nomination, and before the day of election, the Returning Officer is required to countermand the poll, and commence the election afresh (but no re-nominations are required) (Ballot Act, 1872, s. 1).

Declaration of Secrecy.

The candidate must see that he himself, as well as all his supporters who have obtained permission to attend the counting of votes, and all personation agents and counting agents, take the statutory declaration of secrecy at some period antecedent to the opening of the poll. This declaration may be taken either before the Returning Officer or before a Justice of the Peace (either borough or county). To save time and trouble this declaration is best taken at a fixed time by some supporter of the candidate who is a Justice.

Those who are to make the declaration of secrecy having come before

the Returning Officer or any Justice of the Peace, section 4 of the Ballot Act, 1872 (*q.v.* in Appendix, p. 34), must first be read over to them by the person taking the declaration, after which each one must make the following statutory declaration. (Sched. II. *Ibid.*)

I solemnly promise and declare that I will not at this election for do anything forbidden by section 4 of the Ballot Act, 1872, which has been read to me.

Double Return of Candidate.

If any person be elected councillor in more than one ward (*or* electoral division of a county), he must, within three days after notice of his election, choose by writing (signed by him and delivered to the town-clerk *or* clerk of the County Council) and declare for which ward (*or* electoral division) he will serve. If the choice be not made within the time prescribed, the mayor (*or* the chairman of the County Council) must himself decide.

Election Expenses.

THE LIMITS OF EXPENDITURE.

The scale is as follows:—£25, and if the number of electors in the electoral area exceed 500, then threepence for each additional elector above the first 500. This means an extra twenty-five shillings for every 100 electors, or £12:10s. for every thousand (s. 5 (1)).

For purposes of calculation, the number of electors to be taken is the number of electors actually on the current register, consequently no deduction need be made for dead voters or duplicates.

Where there are two joint candidates, the maximum amount for each such candidate is reduced by one-fourth, and if more than two joint candidates, by one-third (s. 5 (3)).

ITEMS TO BE ESTIMATED FOR.

Polling (personation) agents.

Clerks.

Messengers.

Hire of committee rooms.

Hire of rooms for public meetings.

[NOTE.—As to using rooms belonging to associations in sympathy with the candidate for committee or meeting purposes, it is better to preserve his independence by paying at least a nominal sum by way of rent.]

Printing.

Advertising.

Distribution of address, notices, leaflets, polling cards.

Canvassing cards (or books).

Copies of register.

Postage and telegrams.

Stationery.

Miscellaneous.

PAYMENT OUT OF MONEY.

Where a constituency is large, and wherever there are joint candidates, it is assumed that an agent or "election secretary" is in charge. In such a case it is advisable to open an account at a local branch bank, and to arrange that cheques be drawn therefrom when signed by two certain arranged persons. If this be done the candidates should let the election secretary make all payments (however small), in order to avoid confusion. Even where a candidate himself is paymaster, an election account saves trouble and facilitates the keeping of accounts.

1. Wherever possible, pay money down, as by so doing—
 - (a) Disputes as to amount due are avoided.
 - (b) Spending can be checked more effectually.
 - (c) Accounts are greatly simplified, and the final return of expenses will be much easier to prepare.
2. Every payment made, except where less than £1, must be vouched for by a bill stating the particulars, and by a receipt (s. 21 (3)).
3. No payment should be made until a candidate or his representative has satisfied himself that the law allows such payment.
4. Petty expenses (e.g., for stationery, postage, telegrams, &c.) may be paid by any person authorised in writing by the candidate to a total amount not exceeding that named in the authority. Statements of money so paid, with particulars, should be sent in to headquarters daily.
5. In accordance with 4 (above), clerks in charge of committee rooms should have their written limit, and should not be allowed on any consideration whatsoever either to pay, or to incur any obligation to pay, any sum beyond their limit.
6. Keep a strict account of everything ordered and everything paid, and watch the growing expenditure carefully with an eye on the limit allowed.

WHAT ARE ELECTION EXPENSES?

Such are any expenses incurred "*on account of, or in respect of, the conduct or management of an election.*"

Whether any particular item was or was not so incurred depends entirely on the circumstances of each case.

No contract for any expenses is enforceable against a candidate, unless made by himself, or by some person authorised by him.

The following need not be included in election expenses:—(1) Registration work (but this must not be a mere cloak to increase the legal limit of expenditure); (2) local political associations, even though the candidate is benefited; (3) meetings in the constituency in between elections; (4) lectures by local or outside associations; (5) meetings for the selection of a candidate; (6) cost of preparing a requisition inviting a person to become a candidate.

Generally speaking, the *liability* of any individual *for election expenses* starts so soon as he begins to take measures to promote his return, i.e., he becomes a candidate from the moment he holds himself out as a person intending to contest the constituency.

All election expenses must be paid *within twenty-one days* after the day of declaration of election (s. 21 (1)).

CLAIMS.—All claims in respect of expenses incurred by or on behalf of a candidate must be sent in to the candidate within *fourteen days* after the day of declaration of election, otherwise such claims are barred. The day after the election there should be advertised in the local press a notice to creditors, and also a notice sent to all known creditors. [Appendix, Form 11.]

A claim not paid within the period allowed is deemed a “disputed” claim, and may be sued for in any competent Court, and in case judgment is obtained the same may be satisfied, such payment being excepted from the statutory limitation of time for payment of claims (s. 21 (6)).

RETURN OF ELECTION EXPENSES.

Every agent of a candidate must, within *twenty-three days* after the day of election, make a return to the candidate, in writing, of all expenses incurred by him on account of the election, otherwise he is liable to a fine not exceeding £50 (s. 21 (2)).

A return of all expenses incurred by a candidate or by his agents on account of the election must be transmitted to the Returning Officer by the candidate within *twenty-eight days* after the day of declaration of election.

Details are required. Excepting sums under 20s., the return must be vouched by bills stating the particulars and receipts, with the names of the payees. The form recommended will be found on referring to the Appendix.

FORM OF DECLARATION AS TO EXPENSES.

The candidate's return must be accompanied by a form of declaration as to expenses made before a Justice of the Peace. [Appendix, Form 1.]

Election Offences.

CORRUPT PRACTICES (ss. 2–3).

(1) Bribery, (2) Treating, (3) Undue Influence, (4) Personation (all of which see under respective headings).

Penalties for (1) (2) (3).—Limit of twelve months' imprisonment (with or without hard labour) or a fine of £200. Disqualification for public office. Not allowed to vote for seven years. Payment of costs of election inquiry in certain cases.

In (1) (2) persons bribed or treated, same penalties.

If offence committed by candidate, seat lost, and barred to him for ever.

In (1) (2) (3) if offence committed by agent, election void, candidate barred for seven years.

In the case of personation, the offender is liable to two years' imprisonment with hard labour; seven years' incapacity for office. Agent in fault, candidate loses his seat.

ILLEGAL PRACTICES (ss. 4–8).

Paying for *conveyance* of voters to and from the poll.

Paying voter (who also is guilty) for *advertising* bills and placards.

[NOTE.—Not if it be in the voter's ordinary course of business.]

Paying for *unauthorised committee rooms*.

[NOTE.—Unauthorised either as to number or situation.]

Prohibited *voting*, or inducing prohibited persons to vote.

[NOTE.—No voter employed for payment may vote: this applies in the case of a divided borough to a voter *in any one* of its divisions.]

False statement as to withdrawal of candidate.

Penalties.—Fine of up to £100; not allowed to vote for five years.

Committed by agent, election may be rendered void.

ILLEGAL PAYMENT, EMPLOYMENT, HIRING (ss. 9–18).

Publishing bills, placards, &c. *without printer's name and address*.

Paying for bands of music, flags, torches, election favours, rosettes, *hat cards, ribbons, streamers, &c.*

Lending or using vehicles, motor cars or animals usually kept for hire for conveying voters to or from the poll.

Employment of persons in excess of the number allowed, or of prohibited persons.

Using committee rooms in prohibited places.

Penalties.—Fine up to £100. The offence of illegal payment, employment or hiring, if committed by a candidate, election agent or sub-agent (or—in certain cases—worker authorised by the candidate or his agents), renders an election void.

It is often found convenient to make up a placard defining shortly the offences of bribery, treating, undue influence, personation (*q.v.* under their various headings), illegal practices, and illegal payment, employment and hiring, as set out above, and exposing the same in all committee rooms.

[See also “Election Expenses.”]

Employment for Payment.

The following persons may be legally employed for payment (s. 13):—

One polling agent in each polling district.

A number of persons, not exceeding *two* for an electoral area; and if such area has more than 2000 voters, *one additional* person for every 1000 or incomplete part of 1000 over and above the said 2000 voters.

Thus for any electoral area of 2000 voters or under only *two* paid men can be employed. So for, say, 2560 voters *three* might be employed, or for 3001, *four*.

These paid men may act as clerks and messengers, or in either capacity. It is not necessary to go through the whole period of the election with the same clerks and messengers; so long as at any given moment not more than the *number* allowed is being employed the law is complied with.

It is not advisable to allow any paid clerks or messengers to do canvassing, as it is illegal to employ paid canvassers (s. 13).

Persons employed for payment at an election should be appointed by the candidate himself. (See Appendix, Form 9.)

If any paid helper be an elector, he is prohibited from voting in the electoral area in which he is employed.

Persons convicted of illegal practices within seven years of the election must not be employed for payment.

False Statements about a Candidate.

To say anything falsely against the personal character or conduct of a candidate for the purpose of affecting the election is a very dangerous practice, and may well come within the law of slander and libel. Every person who circulates a false statement is liable.

It is an illegal practice to publish knowingly, before or during an election, a false statement of the withdrawal of another candidate (s. 6 (2) of the Act of 1884).

Hat Cards. [See BANDS OF MUSIC ; ELECTION OFFENCES.]

Joint Candidates.

Of main interest as to questions of agency and the limit of expenditure allowed. Where possible, is strongly recommended, as more money is available for expenses and greater efficiency obtainable at less cost.

Candidates will be deemed joint candidates who either themselves or by their agents hire or use the same committee rooms for an election, or who employ or accept the services of the same set of messengers and clerks and polling agents at an election, or who issue joint addresses or circulars (s. 5).

Candidates may at any time enter upon or dissolve a joint candidature, and if they do this should study carefully the proviso to section 5 of the Act, which deals with expenses allowed where a candidature has been partly separate and partly joint.

Where there is a joint candidature, anything done on behalf of one candidate in all probability binds his fellow-candidates, hence particular care should be taken to insure that the action taken has general approval.

[See also "Election Expenses."]

Leaflets.

Plenty of appropriate leaflets should be kept on hand and always available for workers. In recent years the practice of printing and distributing leaflets has grown very considerably. It is submitted, however, that to flood a district with all kinds of leaflets is useless as well as needlessly expensive. It is far better to publish one or two plainly put and easily understood points, and see that these reach the electors. If workers are of any use they will quickly see that every house has the leaflet issued. Where election methods are not as straight as they might be, the leaflet is often a useful method of contradicting unscrupulous statements circulated on the eve of the poll. All leaflets must bear the statement: Printed and published by [*name and address of printers and publishers*].

Nomination.

Forms of nomination are obtainable free from the Returning Officer, within certain hours duly advertised by him. (Municipal Corporations Act, 1882, Sched. III. Part II. s. 6.)

Every nomination must be in writing, and must be subscribed by *two* burgesses (in a County Council election, two county electors), registered electors, and assented to by *eight* other electors. [See Appendix, Form 3, being Sched. III. Part II. of the Municipal Corporations Act, 1882.]

The *ten* persons above must be fully qualified as voters, a place on the register not being *conclusive* of a man's right to vote.

Fill in the nomination paper *before any signatures* are attached.

Take great care that those who subscribe a nomination paper are on the register and sign in exactly the same fashion (even as to spelling) as noted there. Follow even a wrong spelling.

It is usual to send in a number of nomination papers, partly as a safeguard against the nomination being a bad one, and partly as a compliment to those who like to sign.

It is often the custom to confine a nomination paper to a certain group of people (*i.e.*, from the point of view of religion, trade, special opinion, &c.).

Each candidate must be nominated by a separate nomination paper, but the same persons, or any of them, may subscribe as many nomination papers as there are vacancies, but not more. An elector may not subscribe a nomination paper in or for more than one ward of a borough.

[NOTE.—It must, however, be noted that in a County Council election (excepting London) an elector can only subscribe one nomination paper, because the electoral areas are single-membered. The nomination paper must be delivered to the Returning Officer within the appointed time by one of three persons—(a) the candidate, (b) his proposer, or (c) his seconder. The papers must be delivered seven days at least before the day of election, and before 5 P.M. for the last day of delivery. In a municipal election the delivery must be at the town-clerk's office. In a County Council election, unless the election is in a borough (where the town-clerk's office is the place of delivery), the Returning Officer is required to fix and notify some place in substitution for the town-clerk's office. The Returning Officer is required to send notice of every nomination to each candidate.

An agent cannot legally deliver a nomination paper.

A candidate may be nominated in his absence from the United Kingdom, provided that his written consent, given within one month before the day of his nomination, attested by two witnesses, is produced and shown to the Returning Officer at the time of his nomination.

Objections to Nominations.—In a borough the mayor (or other persons appointed in his absence) attends at the Town Hall between 2 P.M. and 4 P.M. on the day following the last day for delivery of nomination papers, and decides on the validity of every objection, which must be in writing. In a County Council election, the Returning Officer (or his deputy) is required to fix some place in lieu of the Town Hall (except when the election is in a borough) and there attend.

Any candidate may appoint an agent to attend the proceedings before

the Returning Officer on his behalf. Such notice must be in writing signed by him (or in his absence from the United Kingdom by his proposer or seconder). The notice must be delivered to the Returning Officer before 5 P.M. on the last day for delivery of nomination papers. [Appendix, Form 7.]

The Returning Officer has jurisdiction to consider objections based only on the form of the nomination paper, but not those based on the alleged want of qualification of a candidate. It is not unusual for candidates to agree that no formal objections shall be taken. This saves much trouble in giving notices and attending the Returning Officer.

Withdrawal.—If there is an excess of nominations over vacancies, any candidate may withdraw by notice signed by him and delivered at the office of the Returning Officer not later than 2 P.M. on the day following the last day for the delivery of nomination papers. Such notices take effect in the order in which they are delivered, but no notice is valid which would have the effect of reducing the number of nominations below the number of vacancies.

It is advisable to read carefully the rules for nomination in the Appendix (p. 48).

Outside Help.

The multiplication of societies and associations in recent years has imported a new factor into electioneering. If the representatives of outside societies appear in support of a candidate whose views are in accord with their own, it is quite open to him to accept passively the help offered. He will be wise, however, not to identify himself actively with any outside workers, otherwise awkward questions of agency and election expenses may crop up. The main help afforded by such societies is the supply of leaflets and literature, the giving of advice, and the providing of speakers. None of these aids, if supplied by outside agency, are chargeable to a candidate's election expenses. The chairmen of outside meetings should explain that they are not candidates' meetings, but meetings arranged to put certain views before the electors so that they shall be able to ascertain for themselves what line the various candidates take on the question.

Personation.

This offence is committed (1) when a person applies for a ballot paper in the name of some other person, whether the name be that of a person living or dead, or of a fictitious person; or (2) when a person having voted once at the election applies again at the same election for a ballot paper in his own name.

(See the Ballot Act, 1872 (35 & 36 Vict. c. 33), s. 24 (Appendix).)

Any person aiding, counselling, abetting or procuring the commission of this offence is equally guilty with the personator.

The offence is a corrupt practice; punishment up to two years' imprisonment with hard labour, and seven years' deprivation of electoral rights.

[See also "Polling Agents" and "Instructions to Polling (Personation) Agents," Appendix, Form 12.]

Polling Booth, Keeping Order in.

The control of persons inside the polling booth is in the hands of the presiding officer, and he may, by section 9 of the Ballot Act, 1872 [see in Appendix], remove any person who misconducts himself or disobeys lawful orders. Any person who commits an offence within a polling station may be given into custody, and will remain there until he can be brought before a magistrate. The arrest, ejection or exclusion of any person from the polling booth must be ordered by the presiding officer himself; his staff have no power of that kind. Candidates have a right to enter any polling booth, and of course duly appointed personation agents the booth to which they are appointed, otherwise no one else is permitted to enter except the Returning Officer and his staff. When a person unable to write is giving his vote through the presiding officer, that official is within his rights in refusing to allow any other persons than the duly appointed polling agents of the candidates to see how the paper has been marked; his duty is to preserve the secrecy of the ballot so far as is possible.

Polling Cards.

Following the invariable practice in Parliamentary elections, it is usual to send out polling cards a day or so before the poll (not too long before or they may be lost), giving formal directions as to voting. This is a matter for careful consideration, as to print and post polling cards for every elector in a small electoral area is an expensive item out of the small margin of expenses allowed by law. [See Appendix, Form 4.]

[NOTE.—There must be no attempt by means of the form or wording of the card to give the impression that if a voter does not vote for your candidate his vote will be lost. See "Voting, False directions as to."]

Polling Day.

[NOTE.—Where there is only one committee room in an electoral area the following instructions must be read (with such modification as may be necessary) as applying to that committee room.]

INSTRUCTIONS TO PERSONS IN CHARGE OF LOCAL COMMITTEE ROOMS.

Preparation for Polling Day.

Eve of the Poll.

1. Call all your workers together on the eve of the poll, and distribute among them your bundles of canvassing cards (the arrangement of these is dealt with under "Canvassers and Canvassing"), *all of which*, finished or unfinished, must have been returned to you before the meeting.

2. So far as possible, give the workers the cards of those voters they have canvassed, and instruct them to make a careful list of all the voters they have to poll.

3. See that your carriage list is prepared and exposed, so that workers wanting carriages will know exactly what is available.

4. Mark up your polling agents' registers for the morrow's poll, and ascertain whether the agents have taken the declaration of secrecy.

5. Prepare the register wall-sheets on cardboard, for marking off the names of voters as they poll. The sheets should be fully marked with all details as to pledges, removals, &c.

6. Arrange for volunteer "tellers" to attend the polling stations, in order to mark off your voters as they poll.

[See "Tellers."]

7. Arrange for as many bicyclists as you find necessary to carry messages between polling station and committee rooms, and from workers to committee rooms.

8. Make your workers clearly understand that they must provide all their own refreshments.

9. Post your "tellers" in good time, and send every half-hour for the cards they have received or the numbers they have noted. Mark these votes off on the wall-sheets as soon as the notes come in.

10. Watch your carriage list, and do not send waiting carriages away to such a distance that they cannot be had when required according to scheduled arrangements.

11. Never keep any workers waiting if you can possibly help it.

12. Never go away from the committee room without leaving some responsible person in charge.

INSTRUCTIONS FOR WORKERS ON POLLING DAY.

1. Poll your pledged supporters first, deal with the doubtfuls afterwards. Poll everyone as early as they will go.

2. Note carefully the times you require carriages, and poll your carriage people yourself. Poll the infirm first. In polling women voters, pay some regard to their convenience in relation to their household duties.

3. When a voter is known to have polled, write "voted" across his canvass card, and hand it in, crossing the name off your list.

4. Visit the committee room occasionally (in slack times), and compare your bundles of cards with the wall-sheets, and check any of your voters who have polled.

5. See that you commit no election offences. Keep a watch on the other side.

Polling (Personation) Agents.

There may be one paid polling agent for each polling place (s. 13). Unpaid polling agents may be appointed in any number. The Returning Officer's staff, as a rule, will say how many polling agents are required.

It is usual to make polling agents counting agents also, as the latter position may not be a paid one.

The appointment of every polling agent must be made previous to the time fixed for taking the poll, and notice in writing of his name and address given to the Returning Officer, and if the polling agent is also to be a counting agent, one *clear day's* (*q.v.* herein) notice before the poll is required. [Appendix, Form 8.]

Personation agents are required to take the declaration of secrecy (*q.v.* herein).

Any person, other than one connected professionally with the Returning

Officer and his staff, or one who has been convicted of corrupt practices, may be appointed to act as a personation agent.

But if an elector, and paid, a personation agent must not vote.

The duties of a personation agent are the detection of personation, and for this purpose he must be supplied with a marked copy of the register, and the meaning of every mark must be carefully explained to him. (See "Committee Rooms.") Suggested instructions are printed in the Appendix, Form 12.

Printing and Advertising.

So soon as he has decided to stand, a candidate should make a careful estimate of what will be required for printing, placards, letters, &c. As his limit is small, great care must be exercised in details.

First ascertain from the register the number of voters in the constituency and calculate what is the limit of expense which may legally be incurred.

[See "Election Expenses."]

The heaviest expenses will be those connected with the printing, advertising, posting and circulating the candidate's address, polling cards, and (if any) last words to electors.

Notices of meetings and mural "literature" are often heavy items, but the custom of plastering every inch of available space is fast being given up as expensive without being effective. Canvass cards are a large item.

Notes.—1. When giving an order let it be precise, and the price clearly fixed at the time.

2. Every letter, poster, placard, &c. having reference to the election must bear the note: Printed and published by [*name and address of printers and publishers*].

3. A proof of all printed matter should be seen before final delivery by the printers is accepted.

4. Bills, placards, posters, &c. may be exhibited wherever permission can be obtained, but no elector may receive payment for such exhibition, unless such work is in his ordinary way of business.

5. It is illegal to pay any elector for distributing or posting bills. If it is desired to distribute bills, the distribution should be done through your workers or an advertising contractor.

6. The post is often a better medium for reaching electors than posters, but the cost of postage is a heavy item in the small limit allowed by law.

A hektograph (or something similar) in committee rooms often saves expense in printing, and is of use in preparing circular letters, sending out notices of meetings, &c.

Public Meetings.

For advice as to the number and extent of these, a candidate should consult his supporters.

It is necessary to hold meetings at such a time as you can best catch the voters. Many men won't bother to turn out in the evenings, so speakers must go to the gates of big works at the dinner hour and the end of the day, or to the pit-mouth when the shifts are changing, or to the village

green. On Saturday afternoons, and ordinary evenings in fine weather, populous districts often produce quite a large audience, especially if it has been noised about a little time previously that a meeting is to be held. These outdoor meetings should, however, be short and much to the point.

For indoor meetings the room should be secured as soon as possible, and, where possible, money paid down.

To preserve order, stewards may be arranged for, but they may not, under any circumstances, be paid.

It is illegal to hold public meetings in furtherance of a candidature in any place in which it would be illegal to have a committee room (s. 16, and see "Committee Rooms").

If any other place can be hired, it is better not to hold a meeting in any place connected with licensed premises. If a meeting must be held on licensed premises, the candidate's representative should notify the landlord in writing that he will not be responsible for anything supplied in the way of food, drink or tobacco. [See Appendix, Form 15.]

Country districts must be treated somewhat differently, as local feeling is often very strong. Above all, hold at least one meeting in every village, and, if possible, get the candidate to speak in every village. Careful arrangements in the matter of motor or carriage relays enable speakers to cover a lot of ground, and it should be possible to go nearly everywhere. The following notes (some of which apply to meetings generally) may be of value in arranging local meetings.

1. Have a strong local platform, and, if possible, the candidate should attend and speak, if only for a few minutes.

2. The chairman should be the local leader; he must have a proper programme of the meeting previously supplied to him.

3. As to speakers:—

(a) Let the local men have a chance if they have influence. A respected local man who can barely string a few words together is of more value than a voluble peripatetic stranger.

(b) Keep your speeches short.

(c) Warn outsiders of local sores.

(d) Let each man know when he is to speak and for how long, and, if possible, what about.

(e) Agents are better not on the platform as speakers, and should speak only if other help fails.

4. Get your opponents to the meeting; it is useless preaching to the converted.

5. Invite questions (through the chairman), but for the candidate only. It is better to have the questions written and handed up to the chairman, but do not refuse to answer any pertinent question that is fairly put. Do not persist in the old rule as to "electors only." Your object is to get opinions ventilated, and you should welcome reasonable questions fairly put from any persons, whether electors or not.

6. Persistent interruptors should be asked to leave, and if they refuse may be ejected with only that amount of force necessary for the purpose; but if there is widespread opposition and interruption, it is better to close a meeting than to have a free fight. Rowdiness injures most those who employ it.

The best method of advertising a public meeting is still, in populous places, the hoarding and the daily press, but in a country district a post-card to electors living within reach of the meeting place invariably brings together the largest audience. The people like to receive things through the post. The address is personal, and they remember the incident better. [Appendix, Form 14.] In the long run the post is often cheaper for the organisation. It is often useful to have cards of half-printed notices of meetings, and to distribute these through the villages for filling in and posting as required.

Occasionally candidates are asked to attend and address Oddfellows' Societies, Foresters', Farmers' Clubs, &c. Such gatherings are public election meetings when addressed by a candidate, and he must be very careful to see that they are not held on licensed or other prohibited premises.

Register of Voters.

In counties can be obtained from the clerk of the peace, in cities and boroughs from the town-clerk. The charge varies from one to ten shillings, according to the length of the list. [Not exceeding 1000 names, 1s. Exceeding 1000 and not exceeding 3000, 2s. 6d. Exceeding 3000 and not exceeding 6000, 5s. Exceeding 6000 and not exceeding 9000, 7s. 6d. Exceeding 9000, 10s. (6 & 7 Vict. c. 18, Sched. D., No. 2).] The central committee room should be supplied with several complete copies, and each polling district with four copies of that part of the register covering its area.

For the methods of using and marking the registers, see "Canvassers and Canvassing."

Relief from the Commission of Illegal Acts.

Under Municipal Corporations (Corrupt and Illegal Practices) Act, 1884:—

By section 21 (7) a candidate may obtain relief for his failure to make the *return and declaration of election expenses*, or for any error or false statement in the same, if the trouble has arisen by reason of the candidate's absence, or through the absence, illness, death or misconduct of any of his election officials, or by inadvertence, and not from any want of good faith on the part of the person applying; and

By section 20, where any *act or omission of a candidate, or of any other person*, which constitutes an *illegal practice, payment, employment or hiring* has arisen from inadvertence or from accidental miscalculation, or from some other reasonable cause of a like nature, and in any case did not arise from want of good faith, such candidate or other person may in the discretion of the Court be relieved from any disabilities.

In each of the above cases application must be made to the High Court, and the applicant is required to advertise notice of his intended application in the electoral area, and to pay all the costs and charges of the proceedings.

A candidate who finds himself in need of relief of the kind mentioned above should at once consult a solicitor, and get his application made without delay.

Requisition to invite Candidate.

It is not unusual in local elections for a possible candidate's friends to meet together and prepare a requisition, asking him to allow himself to be nominated. The expenses of this proceeding are not election expenses, and may be paid by any one. The usual practice is to address the possible candidate, setting forth his qualifications, pointing out his value and asking him to stand. The requisition is signed by as many leading men as can be got to do so, and published, serving as a useful piece of advertisement for election purposes at no charge to the election expenses.

Responsibility.

A candidate for the Municipal or County Council has much more direct responsibility than one standing for Parliament. To begin with, he must himself see that all returns, notices and declarations are properly prepared and sent in at the right time. However small an electoral area, it is always open to a candidate to employ two paid helpers, and he will be wise to select one who has had some experience and knowledge of electioneering work and put him in charge of the contest, and so relieve himself of all small worries. If this course is not taken, it will be extremely difficult for a candidate to do office work details properly, in addition to speaking and canvassing.

Just because candidates in local elections are usually known locally, personal canvassing is much more practised than at Parliamentary elections. People have a closer personal interest in their local affairs, and often like to discuss some small question with a candidate.

[See "Visiting."]

Candidates should exercise great care over their personal expenditure during election times, and while there is no reason to discontinue customary "tips," it is dangerous suddenly to increase them. It is desirable to deprecate all questionable methods of electioneering, and immediately to disavow all proceedings which are, or appear to be, of the nature of corrupt and illegal practices.

Candidates should guard against being persuaded to give or to promise, at or near election times, any of the following:—Orders for food, fuel or clothes, or tickets for hospitals, orphanages or convalescent homes, either for voters or their families. Subscriptions to churches, chapels or associations on the understanding that their support will be obtained.

Such proceedings are known as "colourable" charity, *i.e.*, charity proceeding from a corrupt motive.

Candidates are of course entitled to entertain any friends or acquaintances, even if an election is proceeding; what they should avoid is anything like "open house."

One of the most important questions candidates have to ask themselves is—When do my election expenses begin?

Often, candidates—though labelled "prospective" or "probable"—are really chosen some time before an election, or are retiring councillors known to be seeking re-election.

The real questions are—Was the election known to be imminent? and

was the expense incurred with the view of promoting the return of a *particular* candidate rather than for the benefit of some general cause or agitation? If these questions are answerable only in the affirmative, then the expenses incurred are election expenses.

Candidates are not obliged to spend the whole amount of money allowed by law for election expenses. No more *ought* to be spent than is necessary.

Candidates on a personal canvass are better accompanied by one or more supporters, not only for purposes of introduction, but in order to prevent manufactured charges of corrupt and illegal practices.

Candidates have a right of entrance to any polling booth and to the counting room.

For the returns and declaration which a candidate is required by law to make and to send to the Returning Officer, see "Election Expenses."

Returning Officer.

In an *undivided borough*, the mayor.

In a *divided borough* (*i.e.*, one divided into wards), for each ward, an alderman assigned for that purpose by the Council at their meeting on 9th November. Failing these, some other alderman appointed by the Council.

In a *County Council* election, if the division is co-extensive with a borough, the election remains in the hands of the borough authorities, but in county electoral areas the Council appoints a Returning Officer, who in his turn appoints deputies. In a borough the Town Hall is the office of the Returning Officer; in a county electoral division, such place as the Returning Officer (or his deputy) may appoint.

Returning Officer's Charges.

These charges in Municipal and County Council elections are payable by municipality or county as the case may be. In London the scale of expenses allowed (dated 2nd February 1904) has been fixed by the County Council. In counties generally a limit is fixed according to Part I. Sch. 1 of the Parliamentary Elections (Returning Officers) Acts, 1875 and 1885, or such a scale is framed as the County Council may decide from time to time. In municipalities matters are in the hands of the town-clerk, the expenses coming from the borough fund. No part of the Returning Officer's charges is chargeable to candidates.

Tellers.

These are the persons who stand outside the polling booths checking the voters who poll and sending their numbers on regularly to the committee rooms where they are marked off on the "wall sheets." Previous arrangements should be made for the continued presence throughout the polling of a teller for each polling booth, who should never leave his place until relieved. During the day tellers should send their numbers to the committee rooms at half-hour intervals. For this purpose bicyclists (as a rule the children of supporters) are very useful, but careful arrangements should be made for regular attendance at the work.

Tellers must remember that (1) they have no right in the polling booth—not even in the porch or passage leading thereto, and (2) they have no right to demand either name or number from a voter. If they can get his name, number or polling-card, well and good, if not, they must not annoy him.

Time, Computation of.

Where anything is appointed to be done in a certain time, after a certain date or event, then in computing the time limited it shall be taken as exclusive of the day of the date or the event, and shall commence at the beginning of the next following day. The latest time for doing any act is on the last day of the time limited as above, but if that day be Sunday or a bank holiday it is not counted, and the next day takes its place. Again, when dealing within any period of time *not exceeding seven days*, Sundays and bank holidays are not to be computed. (Municipal Corporations Act, 1882, s. 230.) [See also “Clear Days” herein.]

As to the hour of the day, “Time” is “Greenwich Time.”

Treating.

It is illegal—

For any meat, drink or entertainment	{	to be provided or paid for at any time for any voter (or any member of a voter's family)	{	with the intention of inducing him either to vote or to abstain from voting (s. 2).
--	---	---	---	--

The receiver is as guilty as the giver, and is liable to the same penalties. (For further notes and for penalties, see “Bribery” and “Election Offences.”)

Undue Influence.

It is illegal to use any force, restraint or fraud with the intention of compelling a voter to vote or to abstain from voting (s. 2).

The following are some instances of undue influence :—

Threatening spiritual penalties ; threatening to withdraw or withdrawing custom ; threatening to reduce or reducing wages ; threatening to evict or evicting tenants ; threatening to discharge or discharging servants ; threatening to expel or expelling members from a Trades Union ; threatening to assault or assaulting—if with the intention of affecting a vote. It has also been held undue influence to issue misleading directions as to voting.

If the undue influence be indirectly used against a voter through his family, the offence is just as complete as if directly committed.

The penalty is as for bribery (*q.v.*).

Visiting by Candidate.

In local, much more necessary than in Parliamentary Elections. It is useless to visit promiscuously, the work should be done systematically. Never visit with a crowd of “influential supporters,” as, if you do, you can

hardly expect honest expressions of opinion. The best plan is to get your workers to arrange beforehand when they can accompany you to certain streets. Take with you only the worker who knows well the street you are visiting, and before you go round find out from him something of the people you intend calling on.

Voting, False directions as to.

Great care must be taken in making up the form of polling cards that nothing is stated which may be read by the voter as indicating that if he does not vote for a particular candidate his vote will be lost. Such a course, if deliberately taken, and if it has the effect of misleading voters, is a "fraudulent trick" in the nature of undue influence, and may render the election void.

Withdrawal of Candidate. [See NOMINATION WITHDRAWAL.]

APPENDIX.

1. THE BALLOT ACT, 1872.
2. MUNICIPAL CORPORATIONS ACT, 1882.
3. MUNICIPAL ELECTIONS (CORRUPT AND ILLEGAL PRACTICES) ACT, 1884.
4. LOCAL GOVERNMENT ACT, 1888.
5. FORMS.

THE BALLOT ACT, 1872.

(35 & 36 VICT. c. 33.)

[NOTE.—*Sections relating to Parliamentary elections only, and sections relating to the formal duties of officials have been omitted, leaving only those sections which are of interest from a candidate's point of view.*]

1.— . . . If after the adjournment of an election by the returning officer for the purpose of taking a poll one of the candidates nominated shall die before the poll has commenced, the returning officer shall, upon being satisfied of the fact of such death, countermand notice of the poll, and all the proceedings with reference to the election shall be commenced afresh in all respects as if the writ had been received by the returning officer on the day on which proof was given to him of such death ; provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.

2.—*Poll at Elections.*—In the case of a poll at an election the votes shall be given by ballot. The ballot of each voter shall consist of a paper (in this Act called a ballot paper) showing the names and description of the candidates. Each ballot paper shall have a number printed on the back, and shall have attached a counterfoil with the same number printed on the face. At the time of voting, the ballot paper shall be marked on both sides with an official mark, and delivered to the voter within the polling station, and the number of such voter on the register of voters shall be marked on the counterfoil, and the voter having secretly marked his vote on the paper, and folded it up so as to conceal his vote, shall place it in a closed box in the presence of the officer presiding at the polling station (in this Act called “the presiding officer”) after having shown to him the official mark at the back.

Any ballot paper which has not on its back the official mark, or on which votes are given to more candidates than the voter is entitled to vote for, or on which anything, except the said number on the back, is written or marked by which the voter can be identified, shall be void and not counted.

After the close of the poll the ballot boxes shall be sealed up, so as to prevent the introduction of additional ballot papers, and shall be taken charge of by the returning officer, and that officer shall, in the presence of such agents, if any, of the candidates as may be in attendance, open the ballot boxes, and ascertain the result of the poll by counting the votes given to each candidate, and shall forthwith declare to be elected the candidates or candidate to whom the majority of votes have been given. The decision of the returning officer as to any question arising in respect of any ballot paper shall be final, subject to reversal on petition questioning the election or return.

Where an equality of votes is found to exist between any candidates at

an election for a county or borough, and the addition of a vote would entitle any of such candidates to be declared elected, the returning officer, if a registered elector of such county or borough, may give such additional vote, but shall not in any other case be entitled to vote at an election for which he is returning officer.

Offences at Elections.

3.—Offences in respect of nomination papers, ballot papers, and ballot boxes.—Every person who,—

- (1)
- (2) Forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper, or the official mark on any ballot paper; or
- (3) Without due authority supplies any ballot paper to any person; or
- (4) Fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or
- (5) Fraudulently takes out of the polling station any ballot paper; or
- (6) Without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election;

shall be guilty of a misdemeanour, and be liable, if he is a returning officer or an officer or clerk in attendance at a polling station, to imprisonment for any term not exceeding two years, with or without hard labour, and if he is any other person, to imprisonment for any term not exceeding six months, with or without hard labour.

Any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence itself is punishable.

In any indictment or other prosecution for an offence in relation to the ballot boxes, ballot papers, and marking instruments at an election, the property in such papers, boxes, and instruments may be stated to be in the returning officer at such election, as well as the property in the counterfoils.

4.—Infringement of secrecy.—Every officer, clerk, and agent in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the register of voters of any elector who has or has not applied for a ballot paper or voted at that station, or as to the official mark, and no such officer, clerk, or agent, and no person who-soever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station information as to the candidate for whom any voter in such station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any voter in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such station. Every officer, clerk, and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper. No person shall

directly or indirectly induce any voter to display his ballot paper after he shall have marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

Every person who acts in contravention of the provisions of this section shall be liable, on summary conviction before two justices of the peace, to imprisonment for any term not exceeding six months, with or without hard labour.

9.—*Keeping of order in station.*—If any person misconducts himself in the polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by any constable in or near that station, or any other person authorised in writing by the returning officer to remove him; and the person so removed shall not, unless with the permission of the presiding officer, again be allowed to enter the polling station during the day.

Any person so removed as aforesaid, if charged with the commission in such station of any offence, may be kept in custody until he can be brought before a justice of the peace.

Provided that the powers conferred by this section shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such station.

10.—*Powers of presiding officer and administration of oaths, &c.*—For the purpose of the adjournment of the poll, and of every other enactment relating to the poll, a presiding officer shall have the power by law belonging to a deputy returning officer; and any presiding officer and any clerk appointed by the returning officer to attend at a polling station shall have the power of asking the questions and administering the oath authorised by law to be asked of and administered to voters, and any justice of the peace and any returning officer may take and receive any declaration authorised by this Act to be taken before him.

11.—*Liability of officers for misconduct.*—Every returning officer, presiding officer, and clerk, who is guilty of any wilful misfeasance or any wilful act or omission in contravention of this Act shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act, or omission a penal sum not exceeding one hundred pounds.

Section fifty of the Representation of the People Act, 1867 (which relates to the acting of any returning officer, or his partner or clerk, as agent for a candidate), shall apply to any returning officer or officer appointed by him in pursuance of this Act, and to his partner or clerk.

PART III.—PERSONATION.

24.—*Definition and punishment of personation.*—The following enactments shall be made with respect to personation at parliamentary and municipal elections:

A person shall for all purposes of the laws relating to parliamentary and municipal elections be deemed to be guilty of the offence of personation who at an election for a county or borough, or at a municipal election applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead or of a fictitious person, or who having voted once

at any such election applies at the same election for a ballot paper in his own name.

It shall be the duty of the returning officer to institute a prosecution against any person whom he may believe to have been guilty of personation, or of aiding, abetting, counselling, or procuring the commission of the offence of personation by any person, at the election for which he is returning officer, and the costs and expenses of the prosecutor and the witnesses in such case, together with compensation for their trouble and loss of time, shall be allowed by the court in the same manner in which courts are empowered to allow the same in cases of felony.

The provisions of the Registration Acts, specified in the Third Schedule to this Act, shall in England and Ireland respectively apply to personation under this Act in the same manner as they apply to a person who knowingly personates and falsely assumes to vote in the name of another person as mentioned in the said Acts.

FIRST SCHEDULE.

[BALLOT ACT.]—RULES AS APPLIED TO MUNICIPAL AND COUNTY COUNCIL ELECTIONS.

Election.

15. At every polling place the returning officer shall provide a sufficient number of polling stations for the accommodation of the electors entitled to vote at such polling place, and shall distribute the polling stations amongst those electors in such manner as he thinks most convenient, provided that in a district borough there shall be at least one polling station at each contributory place of such borough.

16. [*Not applied.* See the *Municipal Corporations Act, 1882, Sch. III. Part III. herein.*]

17. A separate room or separate booth may contain a separate polling station, or several polling stations may be constructed in the same room or booth.

18. No person shall be admitted to vote at any polling station except the one allotted to him.

19. [*Not applied.* See s. 16, supra.]

20. The returning officer shall provide each polling station with materials for voters to mark the ballot papers, with instruments for stamping thereon the official mark, and with copies of the register of voters, or such part thereof as contains the names of the voters allotted to vote at such station. He shall keep the official mark secret, and an interval of not less than seven years shall intervene between the use of the same official mark at elections for the same county or borough.

21. The returning officer shall appoint a presiding officer to preside at each station, and the officer so appointed shall keep order at his station, shall regulate the number of electors to be admitted at a time, and shall

exclude all other persons except the clerks, the agents of the candidates, and the constables on duty.

22. Every ballot paper shall contain a list of the candidates described as in their respective nomination papers, and arranged alphabetically in the order of their surnames, and (if there are two or more candidates with the same surname) of their other names: it shall be in the form set forth in the Second Schedule to this Act or as near thereto as circumstances admit, and shall be capable of being folded up.

23. Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The presiding officer at any polling station, just before the commencement of the poll, shall show the ballot box empty to such persons, if any, as may be present in such station, so that they may see that it is empty, and shall then lock it up, and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

24. Immediately before a ballot paper is delivered to an elector, it shall be marked on both sides with the official mark, either stamped or perforated, and the number, name, and description of the elector as stated in the copy of the register shall be called out, and the number of such elector shall be marked on the counterfoil, and a mark shall be placed in the register against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

25. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station, and there mark his paper, and fold it up so as to conceal his vote, and shall then put his ballot paper, so folded up, into the ballot box; he shall vote without undue delay, and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

26. The presiding officer, on the application of any voter who is incapacitated by blindness or other physical cause from voting in manner prescribed by this Act, or (if the poll be taken on Saturday) of any voter who declares that he is of the Jewish persuasion, and objects on religious grounds to vote in manner prescribed by this Act, or of any voter who makes such a declaration as hereinafter mentioned that he is unable to read, shall, in the presence of the agents of the candidates, cause the vote of such voter to be marked on a ballot paper in manner directed by such voter and the ballot paper to be placed in the ballot box, and the name and number on the register of voters of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list, in this Act called "the list of votes marked by the presiding officer."

The said declaration in this Act referred to as "the declaration of inability to read," shall be made by the voter at the time of polling, before the presiding officer, who shall attest it in the form hereinafter mentioned, and no fee, stamp, or other payment shall be charged in respect of such declaration, and the said declaration shall be given to the presiding officer at the time of voting.

27. If a person, representing himself to be a particular elector named

on the register, applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly answering the questions and taking the oath permitted by law to be asked of and to be administered to voters at the time of polling, be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper (in this Act called a tendered ballot paper) shall be of a colour differing from the other ballot papers, and, instead of being put into the ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of voters, and set aside in a separate packet, and shall not be counted by the returning officer. And the name of the voter and his number on the register shall be entered on a list, in this Act called the tendered votes list. [See "Instructions to Polling Agents" herein.]

28. A voter who has inadvertently dealt with this ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the presiding officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (in this Act called a spoilt ballot paper), and the spoilt ballot paper shall be immediately cancelled.

29. The presiding officer of each station, as soon as practicable after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets sealed with his own seal and the seals of such agents of the candidates as desire to affix their seals,—

- (1) Each ballot box in use at his station, unopened, but with the key attached; and
- (2) The unused and spoilt ballot papers, placed together; and
- (3) The tendered ballot papers; and
- (4) The marked copies of the register of voters, and the counterfoils of the ballot papers; and
- (5) The tendered votes list, and the list of votes marked by the presiding officer, and a statement of the number of the voters whose votes are so marked by the presiding officer under the heads "physical incapacity," "Jews," and "unable to read," and the declarations of inability to read;

and shall deliver such packets to the returning officer.

30. The packets shall be accompanied by a statement made by such presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt, and tendered ballot papers, which statement is in this Act referred to as the ballot paper account.

Counting Votes.

31. The candidates may respectively appoint agents to attend the counting of the votes.

32. The returning officer shall make arrangements for counting the votes in the presence of the agents of the candidates as soon as practicable after the close of the poll, and shall give to the agents of the candidates appointed to attend at the counting of the votes notice in writing of the time and place at which he will begin to count the same.

33. The returning officer, his assistants and clerks, and the agents of the candidates, and no other person, except with the sanction of the returning officer, may be present at the counting of the votes.

34. Before the returning officer proceeds to count the votes, he shall, in the presence of the agents of the candidates, open each ballot box, and, taking out the papers therein, shall count and record the number thereof, and then mix together the whole of the ballot papers contained in the ballot boxes. The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the backs of such papers.

35. The returning officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment, and excluding (except so far as he and the agents otherwise agree) the hours between seven o'clock at night and nine o'clock on the succeeding morning. During the excluded time the returning officer shall place the ballot papers and other documents relating to the election under his own seal and the seals of such of the agents of the candidates as desire to affix their seals, and shall otherwise take proper precautions for the security of such papers and documents.

36. The returning officer shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement "rejection objected to," if an objection be in fact made by any agent to his decision. The returning officer shall report to the Clerk of the Crown in Chancery the number of ballot papers rejected and not counted by him under the several heads of—

- (1) Want of official mark ;
- (2) Voting for more candidates than entitled to ;
- (3) Writing or mark by which voter could be identified ;
- (4) Unmarked or void for uncertainty ;

and shall on request allow any agents of the candidates, before such report is sent, to copy it.

General Provisions.

45. The returning officer shall, as soon as possible, give public notice of the names of the candidates elected, and, in the case of a contested election, of the total number of votes given for each candidate, whether elected or not.

46. Where the returning officer is required or authorised by this Act to give any public notice, he shall carry such requirement into effect by advertisements, placards, handbills, or such other means as he thinks best calculated to afford information to the electors.

47. The returning officer may, if he think fit, preside at any polling station, and the provisions of this Act relating to a presiding officer shall apply to such returning officer with the necessary modifications as to things to be done by the returning officer to the presiding officer, or the presiding officer to the returning officer.

48. In the case of a contested election for any county or borough, the returning officer may, in addition to any clerks, appoint competent persons to assist him in counting the votes.

49. No person shall be appointed by a returning officer for the purposes of an election who has been employed by any other person in or about the election.

50. The presiding officer may do, by the clerks appointed to assist him, any act which he is required or authorised to do by this Act at a polling station except ordering the arrest, exclusion, or rejection from the polling station of any person.

51. A candidate may himself undertake the duties which any agent of his if appointed might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may, in pursuance of this Act, attend.

52. The name and address of every agent of a candidate appointed to attend the counting of the votes shall be transmitted to the returning officer one clear day at the least before the opening of the poll; and the returning officer may refuse to admit to the place where the votes are counted any agent whose name and address has not been so transmitted, notwithstanding that his appointment may be otherwise valid, and any notice required to be given to an agent by the returning officer may be delivered at or sent by post to such address.

53. If any person appointed an agent by a candidate for the purposes of attending at the polling station or at the counting of the votes dies, or becomes incapable of acting during the time of the election, the candidate may appoint another agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent so appointed.

54. Every returning officer, and every officer, clerk, or agent authorised to attend at a polling station, or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy, in the presence, if he is the returning officer, of a justice of the peace, and if he is any other officer or an agent, of a justice of the peace or of the returning officer; but no such returning officer, officer, clerk, or agent as aforesaid shall, save as aforesaid, be required, as such, to make any declaration or take any oath on the occasion of any election.

55. Where in this Act any expressions are used requiring or authorising or inferring that any act or thing is to be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorised to attend, and as have in fact attended, at the time and place where such act or thing is being done, and the non-attendance of any agents or agent at such time and place shall not, if such act or thing be otherwise duly done, in anywise invalidate the act or thing done.

56. In reckoning time for the purposes of this Act, Sunday, Christmas Day, Good Friday, and any day set apart for a public fast or public thanksgiving, shall be excluded; and where anything is required by this Act to be done on any day which falls on the above-mentioned days such thing may be done on the next day, unless it is one of the days excluded as above mentioned.

57. In this Act—

The expression "district borough" means the borough of Monmouth and any of the boroughs specified in Schedule E. to the Act of the session

of the second and third years of the reign of King William the Fourth, chapter forty-five, intituled "An Act to Amend the Representation of the People in England and Wales;" and

The expression "polling place" means, in the case of a borough, such borough or any part thereof in which a separate booth is required or authorised by law to be provided; and

The expression "agents of the candidates," used in relation to a polling station, means agents appointed in pursuance of section eighty-five of the Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter eighteen.

64. In the application of the provisions of this schedule to municipal elections the following modifications shall be made:—

- (a.) The expression "register of voters" means the burgess roll of the burgesses of the borough, or in the case of an election for the ward of a borough, the ward list; and the mayor shall provide true copies of such register for each polling station.

MUNICIPAL CORPORATIONS ACT, 1882.

(45 & 46 VICT. c. 50.)

[NOTE.—Sections not dealing with election matters, and those relating only to the formal duties of officials have been omitted, leaving only those sections which are of interest from a candidate's point of view.]

11.—Qualification of councillor.—(1.) The councillors shall be fit persons elected by the burgesses.

(2.) A person shall not be qualified to be elected or to be a councillor unless he—

(a.) Is enrolled and entitled to be enrolled as a burgess; or

(b.) Being entitled to be so enrolled in all respects except that of residence, is resident beyond seven miles but within fifteen miles of the borough, and is entered in the separate non-resident list directed by this Act to be made; and

(c.) In either of those cases, is seised or possessed of real or personal property or both, to the value or amount, in the case of a borough having four or more wards, of one thousand pounds, and in the case of any other borough, of five hundred pounds, or is rated to the poor rate in the borough, in the case of a borough having four or more wards, on the annual value of thirty pounds, and in the case of any other borough of fifteen pounds.

(3.) Provided, that every person shall be qualified to be elected and to be a councillor, who is, at the time of election, qualified to elect to the office of councillor; which last-mentioned qualification for being elected shall be alternative for and shall not repeal or take away any other qualification.

(4.) But if a person qualified under the last foregoing proviso ceases for six months to reside in the borough, he shall cease to be qualified under that proviso, and his office shall become vacant, unless he was at the time of his election and continues to be qualified in some other manner.

12.—Disqualifications for being councillor.—(1.) A person shall be disqualified for being elected and for being a councillor, if and while he—

(a.) Is an elective auditor or a revising assessor, or holds any office or place of profit, other than that of mayor or sheriff, in the gift or disposal of the council; or

(b.) Is in holy orders, or the regular minister of a dissenting congregation; or

(c.) Has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the council:

(2.) But a person shall not be so disqualified, or be deemed to have any share or interest in such a contract or employment, by reason only of his having any share or interest in—

- (a.) Any lease, sale, or purchase of land, or any agreement for the same ; or
- (b.) Any agreement for the loan of money, or any security for the payment of money only ; or
- (c.) Any newspaper in which any advertisement relating to the affairs of the borough or council is inserted ; or
- (d.) Any company which contracts with the council for lighting or supplying with water or insuring against fire any part of the borough ; or
- (e.) Any railway company, or any company incorporated by Act of Parliament, or Royal Charter, or under the Companies Act, 1862,

13.—Term of office and rotation of councillors.—(1.) The term of office of a councillor shall be three years.

(2.) On the ordinary day of election of councillors in every year one third of the whole number of councillors for the borough or for the ward, as the case may be, shall go out of office, and their places shall be filled by election.

(3.) The third to go out shall be the councillors who have been longest in office without re-election.

34.—Obligation to accept office or pay fine.—(1.) Every qualified person elected to a corporate office, unless exempt under this section or otherwise by law, either shall accept the office by making and subscribing the declaration required by this Act within five days after notice of election, or shall, in lieu thereof, be liable to pay to the council a fine of such amount not exceeding, in case of an alderman, councillor, elective auditor, fifty pounds, and in case of a mayor one hundred pounds, as the council by byelaw determine.

(2.) If there is no byelaw determining fines, the fine, in case of an alderman, councillor, elective auditor, shall be twenty-five pounds, and in case of a mayor fifty pounds.

(3.) The persons exempt under this section are—

- (a.) Any person disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body ; and
- (b.) Any person who, being above the age of sixty-five years, or having within five years before the day of his election either served the office or paid the fine for non-acceptance thereof, claims exemption within five days after notice of his election.

(4.) A fine payable under this section shall be recoverable summarily.

35.—Declaration on acceptance of office.—A person elected to a corporate office shall not, until he has made and subscribed before two members of the council, or the town-clerk, a declaration as in the Eighth Schedule, act in the office except in administering that declaration.

36.—Fine on resignation, &c.—(1.) A person elected to a corporate office may at any time by writing signed by him and delivered to the town-clerk, resign the office, on payment of a fine provided for non-acceptance thereof.

(2.) In any such case the council shall forthwith declare the office to be vacant, and signify the same by notice in writing, signed by three members of the council and countersigned by the town-clerk, and fixed on the town hall, and the office shall thereupon become vacant.

MUNICIPAL CORPORATIONS ACT, 1882.

(45 & 46 VICT. c. 50.)

[NOTE.—Sections not dealing with election matters, and those relating only to the formal duties of officials have been omitted, leaving only those sections which are of interest from a candidate's point of view.]

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(2.) A person shall not be qualified to be elected or to be a councillor unless he—

(a.) Is enrolled and entitled to be enrolled as a burgess ; or

(b.) Being entitled to be so enrolled in all respects except that of residence, is resident beyond seven miles but within fifteen miles of the borough, and is entered in the separate non-resident list directed by this Act to be made ; and

(c.) In either of those cases, is seised or possessed of real or personal property or both, to the value or amount, in the case of a borough having four or more wards, of one thousand pounds, and in the case of any other borough, of five hundred pounds, or is rated to the poor rate in the borough, in the case of a borough having four or more wards, on the annual value of thirty pounds, and in the case of any other borough of fifteen pounds.

(3.) Provided, that every person shall be qualified to be elected and to be a councillor, who is, at the time of election, qualified to elect to the office of councillor ; which last-mentioned qualification for being elected shall be alternative for and shall not repeal or take away any other qualification.

(4.) But if a person qualified under the last foregoing proviso ceases for six months to reside in the borough, he shall cease to be qualified under that proviso, and his office shall become vacant, unless he was at the time of his election and continues to be qualified in some other manner.

12.—Disqualifications for being councillor.—(1.) A person shall be disqualified for being elected and for being a councillor, if and while he—

(a.) Is an elective auditor or a revising assessor, or holds any office or place of profit, other than that of mayor or sheriff, in the gift or disposal of the council ; or

(b.) Is in holy orders, or the regular minister of a dissenting congregation ; or

(c.) Has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the council :

(2.) But a person shall not be so disqualified, or be deemed to have any share or interest in such a contract or employment, by reason only of his having any share or interest in—

- (a.) Any lease, sale, or purchase of land, or any agreement for the same ; or
- (b.) Any agreement for the loan of money, or any security for the payment of money only ; or
- (c.) Any newspaper in which any advertisement relating to the affairs of the borough or council is inserted ; or
- (d.) Any company which contracts with the council for lighting or supplying with water or insuring against fire any part of the borough ; or
- (e.) Any railway company, or any company incorporated by Act of Parliament, or Royal Charter, or under the Companies Act, 1862,

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(3.) The third to go out shall be the councillors who have been longest in office without re-election.

34.—Obligation to accept office or pay fine.—(1.) Every qualified person elected to a corporate office, unless exempt under this section or otherwise by law, either shall accept the office by making and subscribing the declaration required by this Act within five days after notice of election, or shall, in lieu thereof, be liable to pay to the council a fine of such amount not exceeding, in case of an alderman, councillor, elective auditor, fifty pounds, and in case of a mayor one hundred pounds, as the council by byelaw determine.

(2.) If there is no byelaw determining fines, the fine, in case of an alderman, councillor, elective auditor, shall be twenty-five pounds, and in case of a mayor fifty pounds.

(3.) The persons exempt under this section are—

- (a.) Any person disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body ; and
- (b.) Any person who, being above the age of sixty-five years, or having within five years before the day of his election either served the office or paid the fine for non-acceptance thereof, claims exemption within five days after notice of his election.

(4.) A fine payable under this section shall be recoverable summarily.

35.—Declaration on acceptance of office.—A person elected to a corporate office shall not, until he has made and subscribed before two members of the council, or the town-clerk, a declaration as in the Eighth Schedule, act in the office except in administering that declaration.

36.—Fine on resignation, &c.—(1.) A person elected to a corporate office may at any time by writing signed by him and delivered to the town-clerk, resign the office, on payment of a fine provided for non-acceptance thereof.

(2.) In any such case the council shall forthwith declare the office to be vacant, and signify the same by notice in writing, signed by three members of the council and countersigned by the town-clerk, and fixed on the town hall, and the office shall thereupon become vacant.

(3.) No person enabled by law to make an affirmation instead of taking an oath shall be liable to any fine for non-acceptance of office by reason of his refusal on conscientious grounds to take any oath or make any declaration required by this Act or to take on himself the duties of the office.

37.—*Re-eligibility of office holders.*—A person ceasing to hold a corporate office shall, unless disqualified to hold the office, be re-eligible.

38.—*Mayor and aldermen to continue members of council.*—The mayor and aldermen shall, during their respective offices, continue to be members of the council, notwithstanding anything in this Act as to councillors going out of office at the end of three years.

39.—*Avoidance of office by bankruptcy or absence.*—(1.) If the mayor, or an alderman or councillor—

(a.) Is declared bankrupt, or compounds by deed with his creditors, or makes an arrangement or composition with his creditors, under the Bankruptcy Act, 1869, by deed or otherwise ; or

(b.) Is (except in case of illness) continuously absent from the borough, being mayor, for more than two months, or, being alderman or councillor, for more than six months :

he shall thereupon immediately become disqualified and shall cease to hold the office.

(2.) In any such event the council shall forthwith declare the office to be vacant, and signify the same by notice signed by three members of the council, and countersigned by the town-clerk, and fixed on the town hall, and the office shall thereupon become vacant.

(3.) Where a person becomes so disqualified by being declared bankrupt, or compounding, or making an arrangement or composition, as aforesaid, the disqualification, as regards subsequent elections, shall, in case of bankruptcy, cease on his obtaining his order of discharge, and shall, in case of a compounding or composition as aforesaid, cease on payment of his debts in full, and shall, in case of an arrangement as aforesaid, cease on his obtaining his certificate of discharge.

(4.) Where a person becomes so disqualified by absence, he shall be liable to the same fine as for non-acceptance of office, recoverable summarily, but the disqualification shall, as regards subsequent elections, cease on his return.

40.—*Filling of casual vacancies.*—(1.) On a casual vacancy in a corporate office, an election shall be held by the same persons and in the same manner as an election to fill an ordinary vacancy ; and the person elected shall hold the office until the time when the person in whose place he is elected would regularly have gone out of office, and he shall then go out of office.

(2.) In case of more than one casual vacancy in the office of councillor being filled at the same election, the councillor elected by the smallest number of votes shall be deemed to be elected in the place of him who would regularly have first gone out of office, and the councillor elected by the next smallest number of votes shall be deemed to be elected in the place of him who would regularly have next gone out of office, and so with respect to the others ; and if there has not been a contested election, or if any doubt arises, the order of rotation shall be determined by the council.

(3.) Non-acceptance of office by a person elected creates a casual vacancy.

Election of Councillors.

50.—Borough and ward elections.—(1.) Where a borough has no wards, there shall be one election of councillors for the whole borough.

(2.) Where a borough has wards, there shall be a separate election of councillors for each ward.

51.—Title to vote.—(1.) At an election of councillors a person shall be entitled to subscribe a nomination paper, and to demand and receive a voting paper, and to vote, if he is enrolled in the burgess roll, or, in the case of a ward election, the ward roll, and not otherwise.

(2.) No person shall subscribe a nomination paper in or for more than one ward, or vote in more than one ward.

(3.) Nothing in this section shall entitle any person to do any act therein mentioned who is prohibited by law from doing it, or relieve him from any penalty to which he may be liable for doing it.

52.—Day of election.—The ordinary day of election of councillors shall be the first of November.

53.—Returning officer at election.—(1.) At an election of councillors for a whole borough the returning officer shall be the mayor.

(2.) At an election for a ward the returning officer shall be an alderman assigned for that purpose by the council at the meeting of the ninth of November.

54.—Notice of election.—Nine days at least before the day for the election of a councillor, the town-clerk shall prepare and sign a notice thereof, and publish it by fixing it on the town hall, and, in the case of a ward election, in some conspicuous place in the ward.

55.—Nomination of candidates.—The nomination of candidates for the office of councillor shall be conducted in accordance with the rules in Part II. of the Third Schedule.

56.—Relation of nomination to election.—(1.) If the number of valid nominations exceeds that of the vacancies, the councillors shall be elected from among the persons nominated.

(2.) If the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected.

(3.) If the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected, and such of the retiring councillors for the borough or ward as were highest on the poll at their election, or, if the poll was equal, or there was no poll, as are selected for that purpose by the mayor, shall be deemed to be re-elected to make up the required number.

(4.) If there is no valid nomination, the retiring councillors shall be deemed to be re-elected.

57.—Publication of uncontested election.—If an election of councillors is not contested, the returning officer shall publish a list of the persons elected not later than eleven o'clock in the morning on the day of election.

58.—Mode of conducting poll at contested election.—(1.) If an election of councillors is contested, the poll shall, as far as circumstances admit, be conducted as the poll at a contested parliamentary election is by the Ballot Act, 1872, directed to be conducted, and, subject to the modifications expressed in Part III. of the Third Schedule, and to the other provisions c

this Act, the provisions of the Ballot Act, 1872, relating to a poll at a parliamentary election (including the provisions relating to the duties of the returning officer after the close of the poll), shall apply to a poll at an election of councillors.

(2.) Every person entitled to vote may vote for any number of candidates not exceeding the number of vacancies.

(3.) The poll shall commence at nine o'clock in the forenoon and close at four o'clock in the afternoon of the same day. [*Now eight a.m. to eight p.m. 48 Vict. c. 10.*]

(4.) But if one hour elapses during which no vote is tendered, and the returning officer has not received notice that any person has within that hour been prevented from coming to the poll by any riot, violence, or other unlawful means, the returning officer may, if he thinks fit, close the poll at any time before four o'clock.

(5.) Where an equality of votes is found to exist between any candidates, and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer, whether entitled or not to vote in the first instance, may give such additional vote by word of mouth or in writing.

(6.) Nothing in the Ballot Act, 1872, as applied by this Act, shall be deemed to authorise the appointment of any agents of a candidate at a municipal election; but if, in the case of a municipal election, an agent of a candidate is appointed, and notice in writing of the appointment is given to the returning officer, one clear day before the polling day, then the provisions of the Ballot Act, 1872, with respect to agents of candidates, shall, as far as regards that agent, apply in the case of that election.

59.—Questions which may be put to voters.—(1.) At an election of councillors, the presiding officer shall, if required by two burgesses, or by a candidate or his agent, put to any person offering to vote, at the time of his presenting himself to vote, but not afterwards, the following questions, or either of them:

(a.) Are you the person enrolled in the burghess [*or ward*] roll now in force for this borough [*or ward*] as follows [*read the whole entry from the roll*]?

(b.) Have you already voted at the present election [*add, in case of an election for several wards, in this or any other ward*]?

(2.) The vote of a person required to answer either of these questions shall not be received until he has answered it.

(3.) If any person wilfully makes a false answer thereto he shall be guilty of a misdemeanour.

(4.) Save as by this Act authorised, no inquiry shall be permitted at an election as to the right of any person to vote.

Supplemental and Exceptional Provisions.

63.—Right of women to vote.—For all purposes connected with and having reference to the right to vote at municipal elections words in this Act importing the masculine gender include women.

66.—Time for filling casual vacancies.—(1.) On a casual vacancy in a

corporate office, the election shall be held within fourteen days after notice in writing of the vacancy has been given to the mayor or town-clerk by two burgesses.

(2.) Where the office vacant is that of mayor, the notice of the meeting for the election shall be signed by the town-clerk.

(3.) In other cases the day of election shall be fixed by the mayor.

67.—*Illness, &c. of mayor or returning officer.*—(1.) If the mayor is dead, or is absent or otherwise incapable of acting in the execution of his powers and duties as to elections under this Act, the council shall forthwith choose an alderman to execute those powers and duties in the place of the mayor.

(2.) In case of the illness, absence, or incapacity to act of the alderman assigned to be returning officer at a ward election, the mayor may appoint to act in his stead another alderman, or, if the number of aldermen does not exceed the number of wards, a councillor not being a councillor for that ward, and not being enrolled in the ward roll for that ward.

68.—*Election of councillor in more than one ward.*—If a person is elected councillor in more than one ward, he shall, within three days after notice thereof, choose, by writing signed by him and delivered to the town-clerk, or in his default the mayor shall, within three days after the time for choice has expired, declare, for which of those wards he shall serve, and the choice or declaration shall be conclusive.

71.—*Burgess roll to be in operation until revision of new burgess roll.*—

(1.) If a parish burgess list is not made or revised in due time, the corresponding part of the burgess roll in operation before the time appointed for the revision shall be the parish burgess list until a burgess list for the parish has been revised and become part of the burgess roll.

(2.) If a burgess roll is not made in due time, the burgess roll in force before the time appointed for the revision shall continue in force until the new burgess roll is made.

73.—*Election valid unless questioned within twelve months.*—Every municipal election not called in question within twelve months after the election, either by election petition or by information in the nature of a *quo warranto*, shall be deemed to have been to all intents a good and valid election.

74.—*Offences in relation to nomination papers.*—(1.) If any person forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the town-clerk any forged nomination paper, knowing it to be forged, he shall be guilty of a misdemeanour, and shall be liable to imprisonment for any term not exceeding six months, with or without hard labour.

(2.) An attempt to commit any such offence shall be punishable as the offence is punishable.

Corrupt Practices.

77.—*Definitions.*—In this part—

“Bribery,” “treating,” “undue influence,” and “personation,” include respectively anything done before, at, after, or with respect to a municipal election, which if done before, at, after, or with respect to a parliamentary election would make the person doing the same liable to any penalty, punishment, or disqualification for bribery, treating, undue influence, or

personation, as the case may be, under any Act for the time being in force with respect to parliamentary elections :

“Candidate” means a person elected, or having been nominated, or having declared himself a candidate for election, to a corporate office :

“Voter” means a burgess or a person who votes or claims to vote at a municipal election.

SCHEDULE III.

PART II.

Rules as to Nomination in Elections of Councillors.

1. Every candidate for the office of councillor must be nominated in writing.

2. The writing must be subscribed by two burgesses of the borough, or, in the case of a ward election, of the ward as proposer and seconder, and by eight other burgesses of the borough or ward, as assenting to the nomination.

3. Each candidate must be nominated by a separate nomination paper, but the same burgesses, or any of them, may subscribe as many nomination papers as there are vacancies to be filled, but no more.

4. Each person nominated must be enrolled in the burgess roll or entered in the separate non-resident list required by this Act to be made.

5. The nomination paper must state the surname and other names of the candidate, with his abode and description.

6. The town-clerk shall provide nomination papers, and shall supply any burgess with as many nomination papers as may be required, and shall, at the request of any burgess, fill up a nomination paper.

7. Every nomination paper subscribed as aforesaid must be delivered by the candidate, or his proposer or seconder, at the town-clerk's office seven days at least before the day of election, and before five o'clock in the afternoon of the last day for delivery of nomination papers.

8. The town-clerk shall forthwith send notice of every such nomination to each candidate.

9. The mayor shall attend at the town hall on the day next after the last day for delivery of nomination papers for a sufficient time, between the hours of two and four in the afternoon, and shall decide on the validity of every objection made in writing to a nomination paper.

10. Where a person subscribes more nomination papers than one, his subscription shall be inoperative in all but the one which is first delivered.

11. Each candidate may, by writing signed by him, or, if he is absent from the United Kingdom, then his proposer or seconder may, by writing signed by him, appoint a person (in this schedule referred to as the candidate's representative) to attend the proceedings before the mayor on behalf of the candidate, and this appointment must be delivered to the town-clerk before five o'clock in the afternoon of the last day for delivery of nomination papers.



OUND

OF MICH.
BRARY

X(A Barrister) and
Y(An Election Agent)

Borough and County
Council Elections.

167583

This image shows a blank, aged, cream-colored page, likely an endpaper or flyleaf of a book. The paper has a slightly textured appearance with some minor creases and discoloration, characteristic of old paper. The right edge of the page is folded over, revealing the binding structure underneath. The overall tone is a warm, off-white or light beige.

purpose of a poll, and shall appoint officers for taking the poll and counting the votes.

4. The mayor shall furnish every polling station with such number of compartments in which the voters can mark their votes screened from observation and furnish each presiding officer with such number of ballot papers, as in the judgment of the mayor may be necessary for effectually taking the poll at the election.

5. All expenses of the election shall be defrayed in manner by this Act provided.

6. No return shall be made to the clerk of the Crown in Chancery.

MUNICIPAL ELECTIONS (CORRUPT AND ILLEGAL PRACTICES) ACT, 1884.

[47 & 48 VICT. CH. 70.]

Section.

1. Short title.

Corrupt Practices.

2. Definition and punishment of corrupt practice at municipal election.
3. Incapacity of candidate reported guilty of corrupt practice.

Illegal Practices.

4. Certain expenditure to be illegal practice.
5. Expense in excess of maximum to be illegal practice.
6. Voting by prohibited persons and publishing of false statements of withdrawal to be illegal.
7. Punishment on conviction of illegal practice.
8. Incapacity of candidate reported guilty of illegal practice.

Illegal Payment, Employment, and Hiring.

9. Providing of money for illegal practice or payment to be illegal payment.
10. Employment of hackney carriages, or of carriages and horses kept for hire.
11. Corrupt withdrawal from a candidature.
12. Certain expenditure to be illegal payment.
13. Certain employment to be illegal.
14. Name and address of printer on placards.
15. Saving for creditors.
16. Use of certain premises for committee rooms or meetings to be illegal hiring.
17. Punishment of illegal payment, employment, or hiring.
18. Avoidance of election for extensive illegal practices, &c.

Excuse and Exception for Corrupt or Illegal Practice or Illegal Payment, Employment, or Hiring.

19. Report exonerating candidate in certain cases of corrupt and illegal practice by agents.
20. Power of High Court and election court to except innocent act from being illegal practice, &c.
21. Sending in claims and making payments for election expenses.

Disqualification of Electors.

22. Prohibition of persons guilty of offences from voting.

Section.

23. Application of ss. 37 and 38 of 46 & 47 Vict. c. 51.

24. List in burgess roll of persons incapacitated for voting by corrupt or illegal practices.

Proceedings on Election Petitions.

25. Petition for illegal practice. Time for presentation of petition alleging illegal practices.

26. Withdrawal of election petition.

27. Continuation of trial of election petition.

28. Attendance of director of public prosecutions on trial of election petition, and prosecution by him of offenders.

29. Power to election court to order payment by borough or individual of costs of election petition.

Miscellaneous.

30. General provisions as to prosecution of offences under this Act.

31. Person incapacitated by conviction or report to vacate seat or office.

32. Payment and recovery of costs.

33. Service of notices.

34. Definitions.

35. Application to city of London of Act and of Part IV. of 45 & 46 Vict. c. 50.

Application of Act to other Elections.

36. Application of this Act and Part IV. of 45 & 46 Vict. c. 50 to other elections.

37. Exemption from provisions as to maximum expenses.

Repeal.

38. Repeal of Acts.

39. Commencement of Act.

Extent of Act.

40. Act not to extend to Scotland or Ireland.

41. Duration of Act.

Schedules.

1.—*Short title.*—This Act may be cited as the Municipal Elections (Corrupt and Illegal Practices) Act, 1884.

Corrupt Practices.

2.—*Definition and punishment of corrupt practice at municipal election.*

—(1.) The expression "corrupt practice" in this Act means any of the following offences, namely, treating, undue influence, bribery, and personation as defined by the enactments set forth in Part One of the Third Schedule to this Act, and aiding, abetting, counselling, and procuring the commission of the offence of personation.

(2.) A person who commits any corrupt practice in reference to a municipal election shall be guilty of the like offence, and shall on conviction

tion be liable to the like punishment, and subject to the like incapacities, as if the corrupt practice had been committed in reference to a parliamentary election.

3.—*Incapacity of candidate reported guilty of corrupt practice.*—(1.) Where upon the trial of an election petition respecting a municipal election for a borough or ward of a borough it is found by the report of an election court made in pursuance of section ninety-three of the Municipal Corporations Act, 1882, that any corrupt practice, other than treating and undue influence, has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, or that the offence of treating or undue influence has been proved to have been committed in reference to such election by any candidate at such election, that candidate shall not be capable of ever holding a corporate office in the said borough, and if he has been elected his election shall be void; and he shall further be subject to the same incapacities as if at the date of the said report he had been convicted of a corrupt practice.

(2.) Upon the trial of an election petition respecting a municipal election for a borough or ward of a borough in which a charge is made of any corrupt practice having been committed in reference to such election, the election court shall report in writing to the High Court whether any of the candidates at such election has been guilty by his agents of any corrupt practice in reference to such election, and if the report is that any candidate at such election has been guilty by his agents of a corrupt practice in reference to such election, that candidate shall not be capable of being elected to or holding any corporate office in the said borough, during a period of three years from the date of the report, and if he has been elected, his election shall be void.

Illegal Practices.

4.—*Certain expenditure to be illegal practice.*—(1.) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at a municipal election, be made—

- (a.) on account of the conveyance of electors to or from the poll whether for the hiring of horses or carriages, or for railway fares, or otherwise; or
- (b.) to an elector on account of the use of any house, land, building, or premises for the exhibition of any address, bill, or notice, or on account of the exhibition of any address, bill, or notice; or
- (c.) on account of any committee room in excess of the number allowed by this Act (that is to say), if the election is for a borough one committee room for the borough, and if the election is for a ward one committee room for the ward, and if the number of electors in such borough or ward exceeds two thousand, one additional committee room for every two thousand electors and incomplete part of two thousand electors, over and above the said two thousand.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is knowingly made in contravention of this section either before, during, or after a municipal election, the person making such payment or contract shall be guilty of an illegal

practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this Act, shall also be guilty of an illegal practice.

(3.) Provided that where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisements, a payment to or contract with such elector if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section.

5.—Expense in excess of maximum to be illegal practice.—(1.) Subject to such exception as may be allowed in pursuance of this Act, no sum shall be paid and no expense shall be incurred by or on behalf of a candidate at an election, whether before, during, or after an election, on account of or in respect of the conduct or management of such election, save that in the case of an election of a councillor a sum may be paid and expense incurred not in excess of the maximum amount following; (that is to say),

The sum of twenty-five pounds, and, if the number of electors in the borough or ward exceeds five hundred, an additional amount of threepence for each elector above the first five hundred electors.

(2.) Any candidate or agent of a candidate or person who knowingly acts in contravention of this section shall be guilty of an illegal practice.

(3.) Where there are two or more joint candidates at an election the maximum amount of expenses shall, for each of such joint candidates, be reduced by one-fourth, or if there are more than two joint candidates by one-third.

(4.) Where two or more candidates at the election, by themselves or any agent or agents, hire or use the same committee rooms for such election, or employ or use the services of the same clerks, messengers, or polling agent at such election, or publish a joint address or joint circular or notice at such election, those candidates shall be deemed for the purposes of this enactment to be joint candidates at such election: Provided that—

(a.) The employment and use of the same committee room, clerk, messenger, or polling agent, if accidental or casual, or of a trivial and unimportant character, shall not be deemed of itself to constitute persons joint candidates:

(b.) Nothing in this enactment shall prevent candidates from ceasing to be joint candidates:

(c.) Where any excess of expenses above the maximum allowed for one of two or more joint candidates has arisen owing to his having ceased to be a joint candidate, or to his having become a joint candidate after having begun to conduct his election as a separate candidate, and such ceasing or beginning was in good faith, and such excess is not more than under the circumstances is reasonable, and the total expenses of such candidate do not exceed the maximum amount allowed for a separate candidate, such excess shall be deemed to have arisen from a reasonable cause within the meaning of the enactments respecting the allowance by the High Court or election court of an exception from the provisions of this Act which would otherwise make an act an illegal practice, and the candidate may be relieved accordingly from the consequences of having incurred such excess of expenses.

6.—*Voting by prohibited persons and publishing of false statements of withdrawal to be illegal.*—(1.) If any person votes or induces or procures any person to vote at a municipal election, knowing that he or such person is prohibited, whether by this or any other Act, from voting at such election, he shall be guilty of an illegal practice.

(2.) Any person who before or during a municipal election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate shall be guilty of an illegal practice.

(3.) Provided that a candidate shall not be liable, nor shall his election be avoided, for any illegal practice under this section committed without his knowledge and consent.

7.—*Punishment on conviction of illegal practice.*—A person guilty of an illegal practice in reference to a municipal election, shall on summary conviction be liable to a fine not exceeding one hundred pounds and be incapable during a period of five years from the date of his conviction of being registered as an elector or voting at any election (whether it be a parliamentary election or an election for a public office within the meaning of this Act) held for or within the borough in which the illegal practice has been committed.

8.—*Incapacity of candidate reported guilty of illegal practice.*—(1.) An illegal practice within the meaning of this Act shall be deemed to be an offence against Part Four of the Municipal Corporations Act, 1882, and a petition alleging such illegal practice may be presented and tried accordingly.

(2.) Upon the trial of an election petition respecting a municipal election for a borough or ward of a borough in which a charge is made of any illegal practice having been committed in reference to such election, the election court shall report in writing to the High Court whether any of the candidates at such election has been guilty by himself or his agents of an illegal practice in reference to such election, and if the report is that a candidate at such election has been guilty by himself or his agents of an illegal practice in reference to such election, the candidate shall not be capable of being elected to or of holding any corporate office in the said borough during the period for which he was elected to serve, or for which if elected he might have served, and if he was elected, his election shall be void; and, if the report is that such candidate has himself been guilty of such illegal practice, he shall also be subject to the same incapacities as if at the date of the report he had been convicted of such illegal practice.

Illegal Payment, Employment, and Hiring.

9.—*Providing of money for illegal practice or payment to be illegal payment.*—Where a person knowingly provides money for any payment which is contrary to the provisions of this Act, or for any expenses incurred in excess of any maximum amount allowed by this Act, or for replacing any money expended in any such payment, except where the same may have been previously allowed in pursuance of this Act to be an exception, such person shall be guilty of illegal payment.

10.—*Employment of hackney carriages, or of carriages and horses kept*

for hire.—(1.) A person shall not let, lend, or employ for the purpose of the conveyance of electors to or from the poll at a municipal election, any public stage or hackney carriage, or any horse or other animal kept or used for drawing the same, or any carriage, horse, or other animal which he keeps or uses for the purpose of letting out for hire, and if he lets, lends, or employs such carriage, horse, or other animal, knowing that it is intended to be used for the purpose of the conveyance of electors to or from the poll, he shall be guilty of illegal hiring.

(2.) A person shall not hire, borrow, or use for the purpose of the conveyance of electors to or from the poll any carriage, horse, or other animal which he knows the owner thereof is prohibited by this section to let, lend, or employ for that purpose, and if he does so he shall be guilty of illegal hiring.

(3.) Nothing in this Act shall prevent a carriage, horse, or other animal being let to or hired, employed, or used by an elector, or several electors at their joint cost, for the purpose of conveying him or them to or from the poll.

(4.) No person shall be liable to pay any duty or to take out a licence for any carriage by reason only of such carriage being used without payment or promise of payment for the conveyance of electors to or from the poll at an election.

11.—*Corrupt withdrawal from a candidature.*—Any person who corruptly induces or procures any other person to withdraw from being a candidate at a municipal election, in consideration of any payment or promise of payment, shall be guilty of illegal payment, and any person withdrawing in pursuance of such inducement or procurement shall also be guilty of illegal payment.

12.—*Certain expenditure to be illegal payment.*—(1.) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at a municipal election, be made on account of bands of music, torches, flags, banners, cockades, ribbons, or other marks of distinction.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is made in contravention of this section, either before, during, or after an election, the person making such payment shall be guilty of illegal payment, and any person being a party to any such contract or receiving such payment shall also be guilty of illegal payment if he knew that the same was made contrary to law.

13.—*Certain employment to be illegal.*—(1.) No person shall, for the purpose of promoting or procuring the election of a candidate at a municipal election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except as follows (that is to say),

(a.) a number of persons may be employed, not exceeding two for a borough or ward, and if the number of electors in such borough or ward exceeds two thousand one additional person may be employed for every thousand electors and incomplete part of a thousand electors over and above the said two thousand, and such persons may be employed as clerks and messengers, or in either capacity; and

(b.) one polling agent may be employed in each polling station:

Provided that this section shall not apply to any engagement or employ-

ment for carrying into effect a contract *bond fide* made with any person in the ordinary course of business.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any person is engaged or employed in contravention of this section, either before, during, or after an election, the person engaging or employing him shall be guilty of illegal employment, and the person so engaged or employed shall also be guilty of illegal employment if he knew that he was engaged or employed in contravention of this Act.

(3.) A person legally employed for payment under this section may or may not be an elector, but may not vote.

14. Name and address of printer on placards.—Every bill, placard, or poster having reference to a municipal election shall bear upon the face thereof the name and address of the printer and publisher thereof; and any person printing, publishing, or posting, or causing to be printed, published, or posted, any such bill, placard, or poster as aforesaid, which fails to bear upon the face thereof the name and address of the printer and publisher, shall, if he is a candidate, be guilty of an illegal practice, and if he is not the candidate, shall be liable on summary conviction to a fine not exceeding one hundred pounds.

15. Saving for creditors.—The provisions of this Act prohibiting certain payments and contracts for payments, and the payment of any sum, and the incurring of any expense, in excess of a certain maximum, shall not affect the right of any creditor who, when the contract was made or the expense was incurred, was ignorant of the same being in contravention of this Act.

16. Use of certain premises for committee rooms or meetings to be illegal hiring.—(1.) (a.) Any premises, which are licensed for the sale of any intoxicating liquor for consumption on or off the premises, or on which refreshment of any kind (whether food or drink) is ordinarily sold for consumption on the premises, or

(b.) Any premises where any intoxicating liquor is supplied to members of a club, society, or association, or any part of any such premises,

shall not, for the purpose of promoting or procuring the election of a candidate at a municipal election, be used either as a committee room or for holding a meeting, and if any person hires or uses any such premises or any part thereof in contravention of this section he shall be guilty of illegal hiring, and the person letting or permitting the use of such premises or part thereof, if he knew it was intended to use the same, in contravention of this section, shall also be guilty of illegal hiring.

(2.) Provided that nothing in this section shall apply to any part of such premises which is ordinarily let for the purpose of chambers or offices or the holding of public meetings or of arbitrations, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

17. Punishment of illegal payment, employment, or hiring.—(1.) A person guilty of an offence of illegal payment, employment, or hiring shall, on summary conviction, be liable to a fine not exceeding one hundred pounds.

(2.) Where an offence of illegal payment, employment, or hiring is committed by a candidate, or with his knowledge and consent, such candidate shall be guilty of an illegal practice.

18. *Avoidance of election for extensive illegal practices, &c.*—Where upon the trial of an election petition respecting a municipal election for a borough or ward of a borough it is found by the election court that illegal practices or offences of illegal payment, employment, or hiring, committed in reference to such election for the purpose of promoting the election of a candidate at that election, have so extensively prevailed that they may be reasonably supposed to have affected the result of that election, the election court shall report such finding to the High Court, and the election of such candidate, if he has been elected, shall be void, and he shall not, during the period for which he was elected to serve, or for which, if elected, he might have served, be capable of being elected to or holding any corporate office in the said borough.

Excuse and Exception for Corrupt or Illegal Practice or Illegal Payment, Employment, or Hiring.

19.—*Report exonerating candidate in certain cases of corrupt and illegal practice by agents.*—Where, upon the trial of an election petition respecting a municipal election, the election court reports that a candidate at such election has been guilty by his agents of the offence of treating and undue influence, and illegal practice, or of any of such offences, in reference to such election, and the election court further report that the candidate has proved to the court—

- (a.) That no corrupt or illegal practice was committed at such election by the candidate or with his knowledge or consent, and the offences mentioned in the said report were committed without the sanction or connivance of such candidate; and
 - (b.) That all reasonable means for preventing the commission of corrupt and illegal practices at such election were taken by and on behalf of the candidate; and
 - (c.) That the offences mentioned in the said report were of a trivial, unimportant, and limited character; and
 - (d.) That in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and of his agents;
- then the election of such candidate shall not, by reason of the offences mentioned in such report, be void, nor shall the candidate be subject to any incapacity under this Act.

20.—*Power of High Court and election court to except innocent act from being illegal practice, &c.*—Where, on application made, it is shown to the High Court or to a municipal election court by such evidence as seems to the Court sufficient—

- (a.) That any act or omission of a candidate at a municipal election for a borough or ward of a borough, or of any agent or other person, would, by reason of being in contravention of any of the provisions of this Act, be but for this section an illegal practice, payment, employment, or hiring; and
- (b.) That such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and

(c.) That such notice of the application has been given in the said borough as to the Court seems fit; and under the circumstances it seems to the Court to be just that the said candidate, agent, and person, or any of them, should not be subject to any of the consequences under this Act of the said act or omission, the Court may make an order allowing such act or omission to be an exception from the provisions of this Act which would otherwise make the same an illegal practice, payment, employment, or hiring, and thereupon such candidate, agent, or person shall not be subject to any of the consequences under this Act of the said act or omission:

21.—*Sending in claims and making payments for election expenses.*—

(1.) Every claim against any person in respect of any expenses incurred by or on behalf of a candidate at an election of a councillor on account of or in respect of the conduct or management of such election shall be sent in within fourteen days after the day of election, and if not so sent in shall be barred and not paid, and all expenses incurred as aforesaid shall be paid within twenty-one days after the day of election, and not otherwise, and any person who makes a payment in contravention of this section, except where such payment is allowed as provided by this section, shall be guilty of an illegal practice, but if such payment was made without the sanction or connivance of the candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under this Act by reason only of such payment having been made in contravention of this section.

(2.) Every agent of a candidate at an election of a councillor shall, within twenty-three days after the day of election, make a return to the candidate in writing of all expenses incurred by such agent on account of or in respect of the conduct or management of such election, and if he fails so to do shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

(3.) Within twenty-eight days after the day of election of a councillor every candidate at such election shall send to the town-clerk a return of all expenses incurred by such candidate or his agents on account of or in respect of the conduct or management of such election, vouched (except in the case of sums under twenty shillings) by bills stating the particulars and receipts, and accompanied by a declaration by the candidate made before a justice in the form set forth in the Fourth Schedule to this Act, or to the like effect.

(4.) After the expiration of the time for making such return and declaration the candidate, if elected, shall not, until he has made the return and declaration (in this Act referred to as the return and declaration respecting election expenses), or until the date of the allowance of such authorised excuse, as is mentioned in this Act, sit or vote in the council, and if he does so shall forfeit fifty pounds for every day on which he so sits or votes to any person who sues for the same.

(5.) If the candidate without such authorised excuse as is mentioned in this Act fails to make the said return and declaration he shall be guilty of an illegal practice, and if he knowingly makes the said declaration falsely he shall be guilty of an offence, and on conviction thereof on indictment shall be liable to the punishment for wilful and corrupt perjury, and such offence shall also be deemed to be a corrupt practice within the meaning of this Act.

(6.) The county court for the district in which the election was held, or the High Court, or an election court, may, on application either of the candidate or a creditor, allow any claim to be sent in and any expense to be paid after the time limited by this section, and a return of any sum so paid shall forthwith after payment be sent to the town-clerk.

(7.) If the candidate applies to the High Court or an election court, and shows that the failure to make the said return and declaration, or either of them, or any error or false statement therein, has arisen by reason of his illness or absence, or of the absence, death, illness, or misconduct of any agent, clerk, or officer, or by reason of inadvertence, or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, the court may, after such notice of the application and on production of such evidence of the grounds stated in the application, and of the good faith of the applicant, and otherwise as to the court seems fit, make such order for allowing the authorised excuse for the failure to make such return and declaration, or for an error or false statement in such return or declaration, as to the court seems just.

(8.) The order may make the allowance conditional upon compliance with such terms as to the court seems calculated for carrying into effect the objects of this Act, and the order shall relieve the applicant from any liability or consequences under this Act in respect of the matters excused by the order.

(9.) The date of the order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the excuse.

(10.) The return and declaration sent in pursuance of this Act to the town-clerk shall be kept at his office, and shall at all reasonable times during the twelve months next after they are received by him be open to inspection by any person on payment of the fee of one shilling, and the town-clerk shall, on demand, furnish copies thereof or of any part thereof at the price of twopence for every seventy-two words.

(11.) After the expiration of the said twelve months the town-clerk may cause the return and declaration to be destroyed, or if the candidate so require shall return the same to him.

Disqualification of Electors.

22.—Prohibition of persons guilty of offences from voting.—Every person guilty of a corrupt or illegal practice or of illegal employment, payment, or hiring at a municipal election is prohibited from voting at such election, and if any such person votes his vote shall be void, and shall be struck off on a scrutiny.

23.—Application of ss. 37 & 38 of 46 & 47 Vict. c. 51.—So much of sections thirty-seven and thirty-eight of the Corrupt and Illegal Practices Prevention Act, 1883, as is set forth in Part Two of the Third Schedule to this Act, shall apply as part of this Act.

24.—List in burgess roll of persons incapacitated for voting by corrupt or illegal practices.—(1.) The town-clerk in every municipal borough shall annually in July make out a list containing the names and description of all persons who, though otherwise qualified to be enrolled as burgesses of such

borough, have under this Act, or under the Corrupt and Illegal Practices Prevention Act, 1883, or under any other Act for the time being in force relating to a parliamentary election or an election to any public office, become after the commencement of this Act, by reason of conviction of a corrupt or illegal practice, or of the report of any election court or election commissioners, incapable of voting at a municipal election in such borough or any ward thereof, and the town-clerk shall state in the list (in this Act referred to as the corrupt and illegal practices list), the offence of which each person has been found guilty.

(2.) For the purpose of making out such list he shall examine the report of any election court or election commissioners who have respectively tried an election petition or inquired into an election where the election (whether a parliamentary election or an election to any public office) was held in the said borough or in the county in which such borough is situate.

(3.) The town-clerk of any municipal borough shall, not less than fourteen days before the first day appointed by law for the publication of the parish burgess lists in such borough, send the corrupt and illegal practices list to the overseers of every parish wholly or partly within the borough, and the overseers shall publish that list together with the parish burgess lists, and shall also, in the case of every person in the corrupt and illegal practices list, omit his name from the list of persons entitled to be enrolled as burgesses or to be elected councillors, or, as circumstances require, add "objected" before his name in the list of claimants published by them, in like manner as is required by law in any other cases of disqualification.

(4.) Any person named in the corrupt and illegal practices list may claim to have his name omitted therefrom, and any person entitled to object to any parish burgess list may object to the omission of the name of any person from such first-mentioned list. Such claims and objections shall be sent in within the same time and be dealt with in like manner, and any such objection shall be served on the person referred to therein in like manner, as nearly as circumstances admit, as other claims and objections under the enactments relating to the enrolment of burgesses.

(5.) The revising authority shall determine such claims and objections and shall revise such list in like manner, as nearly as circumstances admit, as in the case of other claims and objections and of any parish burgess list and list of persons entitled to be elected councillors.

(6.) Where it appears to the revising authority that a person not named in the list is subject to have his name inserted in the corrupt and illegal practices list, he shall (whether an objection to the omission of such name from the list has or has not been made, but) after giving such person an opportunity of making a statement to show cause to the contrary, insert his name in that list and expunge his name from any list of burgesses or of persons entitled to be elected councillors.

(7.) A revising authority in acting under this section shall determine only whether a person is incapacitated by conviction or by the report of any election court or election commissioners, and shall not determine whether a person has or has not been guilty of any corrupt or illegal practice.

(8.) The corrupt and illegal practices list shall be appended to the

burgess roll, and shall be printed and published therewith wherever the same is printed or published.

(9.) Any town-clerk or overseer who fails to comply with the provisions of this section shall be liable to the like fine as he is liable to under section seventy-five of the Municipal Corporations Act, 1882, for any neglect or refusal in relation to a parish burgess list as therein mentioned.

Proceedings on Election Petitions.

25.—Petition for illegal practice.—(1.) A municipal election petition complaining of the election on the ground of an illegal practice may be presented at any time before the expiration of fourteen days after the day on which the town-clerk receives the return and declaration respecting election expenses by the candidate to whose election the petition relates, or where there is an authorised excuse for failing to make the return and declaration then within the like time after the date of the allowance of the excuse.

(2.)—*Time for presentation of petition alleging illegal practices.*—A municipal election petition, complaining of the election on the ground of an illegal practice, and specifically alleging a payment of money or other act made or done since the election by the candidate elected at such election, or by an agent of the candidate, or with the privity of the candidate, in pursuance or in furtherance of such illegal practice, may be presented at any time within twenty-eight days after the date of such payment or act, whether or not any other petition against that person has been previously presented or tried.

(3.) Any election petition presented within the time limited by the Municipal Corporations Act, 1882, may, for the purpose of complaining of the election upon an allegation of an illegal practice, be amended with the leave of the High Court within the time within which a petition complaining of the election on the ground of that illegal practice can, under this section, be presented.

(4.) This section shall apply notwithstanding the illegal practice is also a corrupt practice.

26.—Withdrawal of election petition.—(1.) Before leave for the withdrawal of a municipal election petition is granted, there shall be produced affidavits by all the parties to the petition and their solicitors, but the High Court may on cause shown dispense with the affidavit of any particular person if it seems to the court on special grounds to be just so to do.

(2.) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into, in relation to the withdrawal of the petition; but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(3.) The affidavits of the applicant and his solicitor shall further state the ground on which the petition is sought to be withdrawn.

(4.) If any person makes any agreement or terms, or enters into any undertaking, in relation to the withdrawal of an election petition, and such agreement, terms, or undertaking is or are for the withdrawal of the election

petition in consideration of any payment, or in consideration that the seat shall at any time be vacated, or in consideration of the withdrawal of any other election petition, or is or are (whether lawful or unlawful) not mentioned in the aforesaid affidavits, he shall be guilty of a misdemeanour, and shall be liable on conviction on indictment to imprisonment for a term not exceeding twelve months, and to a fine not exceeding two hundred pounds.

(5.) Copies of the said affidavits shall be delivered to the director of public prosecutions a reasonable time before the application for the withdrawal is heard, and the court may hear the director of public prosecutions or his assistant or other representative (appointed with the approval of the Attorney-General), in opposition to the allowance of the withdrawal of the petition, and shall have power to receive the evidence on oath of any person or persons whose evidence the director of public prosecutions or his assistant, or other representative, may consider material.

(6.) Where in the opinion of the court the proposed withdrawal of a petition was the result of any agreement, terms, or undertaking prohibited by this section, the court shall have the same power with respect to the security as under section ninety-five of the Municipal Corporations Act, 1882, where the withdrawal is induced by a corrupt consideration.

(7.) In every case of the withdrawal of an election petition, by leave of the election court such court shall report in writing to the High Court whether, in the opinion of such election court, the withdrawal of such petition was the result of any agreement, terms, or undertaking, or was in consideration of any payment, or in consideration that the seat should at any time be vacated, or in consideration of the withdrawal of any other election petition, or for any other consideration, and if so, shall state the circumstances attending the withdrawal.

(8.) Where more than one solicitor is concerned for the petitioner or respondent, whether as agent for another solicitor or otherwise, the affidavit shall be made by all such solicitors.

27. Continuation of trial of election petition.—The trial of every municipal election petition shall, so far as is practicable consistently with the interests of justice in respect of such trial, be continued *de die in diem* on every lawful day until its conclusion.

28. Attendance of director of public prosecutions on trial of election petition, and prosecution by him of offenders.—(1.) On every trial of a municipal election petition the director of public prosecutions shall by himself or by his assistant, or by such representative as hereinafter mentioned, attend at the trial, and it shall be the duty of such director to obey any directions given to him by the election court with respect to the summoning and examination of any witness to give evidence on such trial, and with respect to the prosecution by him of offenders, and with respect to any person to whom notice is given to attend with a view to report him as guilty of any corrupt or illegal practice.

(2.) It shall also be the duty of such director, without any direction from the election court, if it appears to him that any person is able to give material evidence as to the subject of the trial, to cause such person to attend the trial, and with the leave of the court to examine such person as a witness.

(3.) It shall also be the duty of the said director, without any direction from the election court, if he thinks it expedient in the interests of justice so to do, to prosecute, either before the said court or before any other competent court, any person who has not received a certificate of indemnity and who appears to him to have been guilty of a corrupt or illegal practice at a municipal election.

(4.) Where a person is prosecuted before an election court for any corrupt or illegal practice, and such person appears before the court, the court shall proceed to try him summarily for the said offence, and such person, if convicted thereof upon such trial, shall be subject to the same incapacities as he is subject to under this or any other Act, upon conviction, whether on indictment or in any other proceeding for the said offence; and further, may be adjudged by the court, if the offence is a corrupt practice, to be imprisoned, with or without hard labour, for a term not exceeding six months, or to pay a fine not exceeding two hundred pounds, and if the offence is an illegal practice, to pay such fine as is fixed by this Act for the offence:

Provided that, in the case of a corrupt practice, the court, before proceeding to try summarily any person, shall give such person the option of being tried by a jury.

(5.) Where a person is so prosecuted for any such offence, and either he elects to be tried by a jury or he does not appear before the court, or the court thinks it in the interests of justice expedient that he should be tried before some other court, the court, if of opinion that the evidence is sufficient to put the said person upon his trial for the offence, shall order such person to be prosecuted on indictment or before a court of summary jurisdiction, as the case may require, for the said offence; and in either case may order him to be prosecuted before such court as may be named in the order; and for all purposes preliminary and of and incidental to such prosecution the offence shall be deemed to have been committed within the jurisdiction of the court so named.

(6.) Upon such order being made—

- (a.) If the accused person is present before the court, and the offence is an indictable offence, the court shall commit him to take his trial, or cause him to give bail to appear and take his trial for the said offence; and
- (b.) If the accused person is present before the court, and the offence is not an indictable offence, the court shall order him to be brought before the court of summary jurisdiction before whom he is to be prosecuted, or cause him to give bail to appear before that court; and
- (c.) If the accused person is not present before the court, the court shall as circumstances require issue a summons for his attendance, or a warrant to apprehend him and bring him before a court of summary jurisdiction, and that court, if the offence is an indictable offence, shall, on proof only of the summons or warrant and the identity of the accused, commit him to take his trial, or cause him to give bail to appear and take his trial for the said offence, or if the offence is punishable on summary conviction, shall proceed to hear the case, or if such court be not the court

before whom he is directed to be prosecuted shall order him to be brought before that court.

(7.) Any order or act of an election court under this section shall not be subject to be discharged or varied under sub-section six of section ninety-two of the Municipal Corporations Act, 1882.

(8.) The Director of public prosecutions may nominate, with the approval of the Attorney-General, any barristers or solicitors of not less than ten years' standing, one of whom shall, when required, act as the representative for the purposes of this section of such Director, and when so acting shall receive such remuneration as the Treasury may approve. There shall be allowed to the Director and his assistant or representative, for the purposes of this section, such allowance for expenses as the Treasury may approve.

(9.) The costs incurred in defraying the expenses of the Director of public prosecutions under this section (including the remuneration of his representatives) shall, in the first instance, be paid by the Treasury, and so far as they are not in the case of any prosecution paid by the defendant, shall be deemed to be expenses of the election court, and shall be paid as the expenses of that court are directed by section one hundred and one of the Municipal Corporations Act, 1882, to be paid; but if for any reasonable cause it seems just to the court so to do, the court shall order all or part of the said costs to be repaid to the Treasury by the parties to the petition, or such of them as the court may direct.

29.—Power to election court to order payment by borough or individual of costs of election petition.—(1.) Where upon the trial of a municipal election petition it appears to the election court that a corrupt practice has not been proved to have been committed in reference to the election by or with the knowledge and consent of the respondent to the petition, and that such respondent took all reasonable means to prevent corrupt practices being committed on his behalf, the court may make one or more orders with respect to the payment either of the whole or such part of the costs of the petition as the court may think right as follows;

(a.) If it appears to the court that corrupt practices extensively prevailed in reference to the said election, the court may order the whole or part of the costs to be paid by the borough; and

(b.) If it appears to the court that any person or persons is or are proved, whether by providing money or otherwise, to have been extensively engaged in corrupt practices, or to have encouraged or promoted extensive corrupt practices in reference to such election, the court may, after giving such person or persons an opportunity of being heard by counsel or solicitor and of examining and cross-examining witnesses to show cause why the order should not be made, order the whole or part of the costs to be paid by that person, or those persons or any of them, and may order that if the costs cannot be recovered from one or more of such persons they shall be paid by some other of such persons or by either of the parties to the petition.

(2.) Where any person appears to the court to have been guilty of the offence of a corrupt or illegal practice, the court may, after giving such person an opportunity of making a statement to show why the order should

not be made, order the whole or any part of the costs of or incidental to any proceeding before the court in relation to the said offence or to the said person to be paid by the said person to such person or persons as the court may direct.

(3.) The rules and regulations of the Supreme Court of Judicature with respect to costs to be allowed in actions, causes, and matters in the High Court shall in principle and so far as practicable apply to the costs of petition and other proceedings under Part Four of the Municipal Corporations Act, 1882, and this Act, and the taxing officer shall not allow any costs, charges, or expenses on a higher scale than would be allowed in any action, cause or matter in the High Court on the higher scale, as between solicitor and client.

Miscellaneous.

30.—General provisions as to prosecution of offences under this Act.—Subject to the other provisions of this Act, the procedure for the prosecution of a corrupt or illegal practice or any illegal payment, employment, or hiring committed in reference to a municipal election, and the removal of any incapacity incurred by reason of a conviction or report relating to any such offence, and the duties of the Director of public prosecutions in relation to any such offence, and all other proceedings in relation thereto (including the grant to a witness of a certificate of indemnity), shall be the same as if such offence had been committed in reference to a parliamentary election; and sections forty-five and forty-six and sections fifty to fifty-seven (both inclusive), and sections fifty-nine and sixty of the Corrupt and Illegal Practices Prevention Act, 1883, shall apply accordingly as if they were re-enacted in this Act with the necessary modifications, and with the following additions:—

- (a.) Where the Director of public prosecutions considers that the circumstances of any case require him to institute a prosecution before any court other than an election court for any offence other than a corrupt practice committed in reference to a municipal election in any borough, he may, by himself or his assistant, institute such prosecution before any court of summary jurisdiction in the county in which the said borough is situate or to which it adjoins, and the offence shall be deemed for all purposes to have been committed within the jurisdiction of such court; and
- (b.) General rules for the purposes of Part Four of the Municipal Corporations Act, 1882, shall be made by the same authority as rules of court under the said sections; and
- (c.) The giving or refusal to give a certificate of indemnity to a witness by the election court shall be final and conclusive.

31.—Person incapacitated by conviction or report to vacate seat or office.—If any person, in consequence of conviction or of the report of an election court under this Act, becomes not capable of being elected to or sitting in the House of Commons, or of being elected to or holding any public or judicial office, and such person, at the date of the said conviction or report, has been so elected or holds any such office, then his seat or office, as the case may be, shall be vacated as from that date.

32.—Payment and recovery of costs.—(1.) Where any costs of a petition are, under an order of a municipal election court, to be paid by a borough, such costs shall be paid out of the borough fund or borough rate.

(2.) Where any costs or other sums are, under the order of an election court or otherwise under this Act, to be paid by any person, those costs shall be a simple contract debt due from such person to the person or persons to whom they are to be paid, and if payable to the Treasury shall be a debt to Her Majesty, and in either case may be recovered accordingly.

33.—Service of notices.—Where any summons, notice, or document is required to be served on any person with reference to any proceeding respecting a municipal election in any borough or ward of a borough, whether for the purpose of causing him to appear before the High Court or any election court, or otherwise, or for the purpose of giving him an opportunity of making a statement, or showing cause, or being heard by himself, before any such court, for any purpose of this Act, such summons, notice, or document may be served either by delivering the same to such person, or by leaving the same at, or sending the same by post by a registered letter to, his last known place of abode in the said borough, or, if the proceeding is before any court, in such other manner as the court may direct, and in proving such service by post it shall be sufficient to prove that the letter was prepaid, properly addressed, and registered with the post office.

34.—Definitions.—In this Act expressions have the same meaning as in the Municipal Corporations Act, 1882, and in the Corrupt and Illegal Practices Prevention Act, 1883; except that the words "borough," "election petition," "election court," and "candidate," shall, unless the context otherwise requires, have the meaning given by the Municipal Corporations Act, 1882, and not the meaning given by the Corrupt and Illegal Practices Prevention Act, 1883; and except that "election" shall, unless the context otherwise requires, mean a municipal election.

For the purposes of this Act the number of electors shall be taken according to the enumeration of the electors in the burgess roll.

35.—Application to city of London.

36.—Application of Act to other local elections.

Sections 37–41, end, not required.

THIRD SCHEDULE.

PART I.

Enactments defining Corrupt Practices.—Enactments defining the Offence of Bribery.

The Corrupt Practices Prevention Act, 1854, 17 & 18 Vict. c. 102, sections 2 and 3.

S. 2. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly:—

(1.) Every person who shall, directly or indirectly, by himself or by any

other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure or endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of such voter having voted or refrained from voting at any election.

- (2.) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure or endeavour to procure any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of any voter having voted or refrained from voting at any election.
- (3.) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election.
- (4.) Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure, or engage, promise, or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election.
- (5.) Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election: Provided always, that the aforesaid enactment shall not extend or be construed to extend to any money paid or agreed to be paid for on account of any legal expenses *bonâ fide* incurred at or concerning any election.

S. 3. The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly:—

- (1.) Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive, agree, or contract for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or from refraining or agreeing to refrain from voting at any election.
- (2.) Every person who shall, after any election, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election.

The Representation of the People Act, 1867, 30 & 31 Vict. c. 102,
section 49.

S. 49. Any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at the future election, and any candidate or other person, either directly or indirectly, paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting, shall be guilty of bribery, and be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section is mentioned is made, shall also be guilty of bribery, and punishable accordingly.

Enactment defining the Offence of Personation.

The Ballot Act, 1872, 35 & 36 Vict. c. 33, section 24.

S. 24. A person shall, for all purposes of the laws relating to parliamentary and municipal elections, be deemed to be guilty of the offence of personation who, at an election for a county or borough, or at a municipal election, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who, having voted once at any such election, applies at the same election for a ballot paper in his own name.

Enactments defining the Offences of Treating and Undue Influence.

The Corrupt and Illegal Practices Prevention Act, 1883, 46 & 47 Vict.
c. 51, sections 1 and 2.

S. 1. Any person who corruptly by himself or by any other person, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing any meat, drink, entertainment, or provision to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be guilty of treating.

And every elector who corruptly accepts or takes any such meat, drink, entertainment, or provision, shall also be guilty of treating.

S. 2. Every person who shall directly or indirectly by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence, or restraint, or inflict or threaten to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall by abduction, duress, or any fraudulent device or contrivance impede or prevent the free exercise of the franchise of any elector, or shall thereby compel, induce, or prevail upon any elector either to give or to refrain from giving his vote at any election, shall be guilty of undue influence.

72 MUNICIPAL ELECTIONS (CORRUPT, ETC.) ACT, 1884.

Enactment defining the Offences of Bribery, Treating, Undue Influence, and Personation.

The Municipal Corporations Act, 1882, 45 & 46 Vict. c. 50, section 77.

S. 77. "Bribery," "treating," "undue influence," and "personation" include respectively anything done before, at, after, or with respect to a municipal election, which, if done before, at, after, or with respect to a parliamentary election, would make the person doing the same liable to any penalty, punishment, or disqualification for bribery, treating, undue influence, or personation, as the case may be, under any Act for the time being in force with respect to parliamentary elections.

LOCAL GOVERNMENT ACT, 1888.

(51 & 52 VICT. c. 41.)

[NOTE.—Sections not dealing with election matters and those relating only to the formal duties of officials have been omitted, leaving only those sections which are of interest from a candidate's point of view.]

2.—Composition and election of council and position of chairman.—(1.) The council of a county and the members thereof shall be constituted and elected and conduct their proceedings in like manner, and be in the like position in all respects, as the council of a borough divided into wards, subject nevertheless to the provisions of this Act, and in particular to the following provisions, that is to say:—

- (2.) As respects the aldermen or councillors—
 - (a.) Clerks in holy orders and other ministers of religion shall not be disqualified for being elected and being aldermen or councillors;
 - (b.) A person shall be qualified to be an alderman or councillor who, though not qualified in manner provided by the Municipal Corporations Act, 1882, as applied by this Act, is a peer owning property in the county, or is registered as a parliamentary voter in respect of the ownership of property of whatsoever tenure situate in the county;
 - (c.) The aldermen shall be called county aldermen, and the councillors shall be called county councillors; and a county alderman shall not, as such, vote in the election of a county alderman;
 - (d.) The county councillors shall be elected for a term of three years, and shall then retire together, and their places shall be filled by a new election; and
 - (e.) The divisions of the county for the purpose of the election of county councillors, shall be called electoral divisions and not wards, and one county councillor only shall be elected for each electoral division:
- (3.) As respects the number of the county councillors, and the boundaries of the electoral divisions in every county—
 - (a.) The number of the county councillors, and their apportionment between each of the boroughs which have sufficient population to return one councillor and the rest of the county shall be such as the Local Government Board may determine; and
 - (b.) Any borough returning one councillor only shall be an electoral division; and
 - (c.) In the rest of the county the electoral divisions shall be such as in the case of a borough returning more than one councillor the council of the borough, and in the rest of the county the quarter sessions for the county, may determine, subject in either case to the directions enacted by this Act; and in the case of elections after the first, to any alterations made, in accordance with the said directions, in manner in this Act mentioned:

- (4.) As respects the electors of the county councillors—
The persons entitled to vote at their election shall be, in a borough, the burgesses enrolled in pursuance of the Municipal Corporations Act, 1882, and the Acts amending the same, and elsewhere the persons registered as county electors under the County Electors Act, 1888 :
- (5.) As respects the chairman of the county council—
(a.) He shall be called chairman instead of mayor ; and
(b.) He shall, by virtue of his office, be a justice of the peace for the county ; but before acting as such justice he shall, if he has not already done so, take the oaths required by law to be taken by a justice of the peace other than the oath respecting the qualification by estate.
- (6.) The county council may from time to time appoint a member of the council to be vice-chairman, to hold office during the term of office of the chairman, and, subject to any rules made from time to time by the county council, anything authorised or required to be done by, to, or before the chairman may be done by, to, or before such vice-chairman.

Powers of County Council.

3. *Transfer to county council of administrative business of quarter sessions.*
—There shall be transferred to the council of each county on and after the appointed day, the administrative business of the justices of the county in quarter sessions assembled, that is to say, all business done by the quarter sessions or any committee appointed by the quarter sessions, in respect of the several matters following, namely—

- (xii.) The division of the county into polling districts for the purposes of parliamentary elections, the appointment of places of election, the places of holding courts for the revision of the lists of voters, and the costs of and other matters to be done for the registration of parliamentary voters.

5.—(7.) A person who holds the office of coroner shall not be qualified to be elected as a county alderman or county councillor for the county for which he is a coroner.

PART II.—APPLICATION OF ACT TO BOROUGHs, THE METROPOLIS, AND CERTAIN SPECIAL COUNTIES.

Application of Act to Boroughs.

31.—*Certain large boroughs to be county boroughs and administrative counties of themselves.*

34.—*Application of Act with modifications to county boroughs.*—(1.) The mayor, aldermen, and burgesses of each county borough acting by the council shall, subject as in this Act mentioned, have and be subject to all the powers, duties, and liabilities of a county council under this Act (in so far as they are not already in possession of or subject to the same) and all the provisions of this Act shall accordingly, so far as circumstances admit,

apply in the case of every such borough, with the necessary modifications, and in particular with the following modifications :—

- (a.) The county borough shall be substituted for the county, and borough fund shall be substituted for county fund, and town-clerk shall be substituted for clerk of the peace and clerk of the council :
- (3.) The provisions of this Act with respect to—
- (a.) The constitution, election, proceedings, or position of the county council or the chairman thereof,
- (b.) The county treasurer, county surveyor, and other county officers, shall not apply to county boroughs.
- (6.) Nothing in this Act shall transfer to the council of any borough any power in relation to the division of the county into polling districts for the purpose of a parliamentary election for the county, the appointment of places of election for the county, the places of holding courts for the revision of the lists of voters, and the costs of, and other matters to be done for, the registration of parliamentary voters for the county.
- (8.) This Act and the Municipal Corporations Act, 1882, shall be construed so as to give effect to the provisions of this section.

Application of Act to Metropolis.

40.—Application of Act to Metropolis as county of London.—In the application of this Act to the Metropolis, the following provisions shall have effect :—

- (1.) The Metropolis shall, on and after the appointed day, be an administrative county for the purposes of this Act by the name of the administrative county of London :
- (2.) Such portion of the administrative county of London as forms part of the counties of Middlesex, Surrey, and Kent, shall on and after the appointed day be severed from those counties, and form a separate county for all non-administrative purposes by the name of the county of London ; and it shall be lawful for her Majesty the Queen to appoint a sheriff of that county, and to grant a commission of the peace and court of quarter sessions to that county ; and, subject to the provisions of this Act, all enactments, laws, and usages with respect to counties in England and Wales, and to sheriffs, justices, and quarter sessions shall, so far as circumstances admit, apply to the county of London :
- (3.) Provided that, for the purpose of the jurisdiction of the justices under such commission, and of such court, as well as other non-administrative purposes, the county of the city of London shall continue a separate county, but if and when the mayor, commonalty, and citizens of the city assent to jurisdiction being conferred therein on such justices and court may by commission under the Great Seal be made subject to the jurisdiction thereof :
- (4.) The number of the county councillors for the administrative county of London, shall be double the number of members which at the passing of this Act, the parliamentary boroughs in the Metropolis

are authorised by law to return to serve in Parliament; and each such borough, or if it is divided into divisions, each division thereof, shall be an electoral division for the purposes of this Act, and the number of county councillors elected for each such electoral division, shall be double the number of members of Parliament which such borough or division is at the passing of this Act entitled to return to serve in Parliament:

- (5.) Provided that the number of county aldermen in the administrative county of London, shall not exceed one-sixth of the whole number of county councillors.

75.—Application of Acts.—For the purpose of the provisions of this Act with respect to county councils, and to the chairman, members, committees, and officers of such councils, and otherwise for the purpose of carrying this Act into effect, the following portions of the Municipal Corporations Act, 1882, namely, Part Two, Part Three, Part Four (as amended by the Municipal Elections (Corrupt Practices) Act, 1884), section one hundred and twenty-four in Part Five, Part Twelve, Part Thirteen, the Second Schedule, Part Two and Part Three of the Third Schedule, and Part One of the Eighth Schedule shall, so far as the same are unrepealed and are consistent with the provisions of this Act, apply as if they were herein re-enacted with the enactments amending the same in such terms and with such modifications as are necessary to make them applicable to the said councils and their chairmen, members, committees, and officers, and to the other provisions of this Act.

Provided as follows:—

- (2.) Such person as the county council may appoint shall be the returning officer for the election of county councillors of the county council, in substitution for the mayor, and for the aldermen assigned for that purpose by the council.
- (3.) The returning officer, without prejudice to any other power, may by writing under his hand appoint a fit person to be his deputy for all or any of the purposes relating to the election of any such councillor, and may by himself or such deputy exercise any powers and do any things which a returning officer is authorised or required to exercise or do in relation to such election, and shall for the purposes of the election have all the powers of the sheriff.
- (4.) A reference in this Act, or in the enactments applied by this Act, to the returning officer or to the mayor or to the alderman shall, so far as relates to the election of any such councillor, be construed to refer to the returning officer, and any such deputy as above mentioned.
- (5.) A reference in the said enactments to the town-clerk so far as respects the election of any such councillor shall be construed to refer to the returning officer or his deputy, and as respects matters subsequent to the election, shall be construed to refer to the clerk of the county council.
- (6.)
- (7.) Some place fixed by the returning officer shall, except where the election is in a borough, be substituted for the town-clerk's office,

and, as respects the hearing of objections to nomination papers, for the town hall, but such place shall, if the electoral division is the whole or part of an urban district, be in that district, and in any other case shall be in the electoral division or in an adjoining electoral division.

- (8.) The returning officer shall forthwith after the election of county councillors for the county return the names of the persons elected to the clerk of the county council.
- (9.)
- (10.)
- (11.) The hours of the poll shall be those fixed by the Elections (Hours of Poll) Act, 1885. [Eight a.m. to eight p.m.]
- (12.) Section eleven of the Municipal Corporations Act, 1882, with respect to the qualification of a county councillor by reason of his being entered in the separate non-resident list, shall include, for the purposes of this Act, all persons entered in such separate list in any municipal borough by reason of occupation of property in the borough, and all persons entered in such separate list for any part of a county not in a municipal borough by reason of the occupation of property in that part.
- (14.) Ten days shall be substituted for five days in section thirty-four of the Municipal Corporations Act, 1882, as the time within which a person elected to a corporate office is to accept that office, and twelve months shall be substituted for six months in section thirty-nine of the said Act, as the period of absence which disqualifies an alderman or councillor.
- (15.)
- (16.)
- (17.) All costs properly incurred in relation to the holding of elections of councillors of county councils, so far as not otherwise provided for by law, shall be paid out of the county fund as general expenses.
- (18.) The said costs shall not exceed those allowed by Part I. of the First Schedule to the Parliamentary Elections (Returning Officers) Act, 1875, as amended by the Parliamentary Elections (Returning Officers) Act, 1885, or by such scale as the county council may from time to time frame.
- (19.) Sections four, five, six, and seven of the Parliamentary Elections (Returning Officers) Act, 1875, as amended by the Parliamentary Elections (Returning Officers) Act (1875) Amendment Act, 1886, shall apply as if they were herein re-enacted with the necessary modifications, and in particular with the substitution of the county council for the person from whom payment is claimed, and of one month for the period of fourteen days within which application may be made for taxation.
- (20.) A county council shall, on the request of the returning officer, prior to a poll being taken at any election of a councillor of such council, advance to him such sum not exceeding ten pounds for every thousand electors at the election as he may require.
- (21.)

76.—(1.) The provisions of section four of the County Electors Act, 1888, with respect to the framing of the lists and register of voters in parts shall extend to parishes situate within a parliamentary borough.

(6.) It is hereby declared that nothing in section twelve of the County Electors Act, 1888, applies to any person occupying property within a borough.

77.—*Residential qualification of county electors in administrative county of London.*—A person who is entitled to be registered as a county elector in respect of any qualification in the administrative county of London, in all respects except that of residence, and is resident beyond seven miles but within fifteen miles of the county, shall be entitled to be registered as a county elector.

99.—*Definition of "written."*—All notices and documents required by this Act to be in writing may be in writing or print, or partly in writing and partly in print, and for the purposes of this section "print" includes any mechanical mode of reproduction.

100.—*Interpretation of certain terms in the Act.*—In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say:

In relation to the election of county councillors, the day of nomination shall be deemed to be the day on which the names of the persons nominated are fixed on the town hall or other conspicuous place.

LIST OF FORMS.

1. Declaration by Candidate as to Expenses.
2. Return of Election Expenses.
3. Notice of Election of Councillors.
4. Canvass Card, and how to mark it.
5. Daily Canvass Return.
6. Hire of Committee Rooms.
7. Appointment of Agent to attend before Returning Officer on hearing
Objections to Nominations.
8. Notice of Appointment of Polling Agent.
9. Appointment of Polling Agent, Clerk or Messenger.
10. Notice of Appointment of Counting Agents.
11. Candidate's Notice to Creditors.
12. Instructions to Polling (Personation) Agents.
13. Polling Cards.
14. Circular for Local Meeting.
15. Notice to Licence Holders.

FORM 1.

FORM OF DECLARATION BY CANDIDATE AS TO EXPENSES.

(Being the 4th Schedule to the Act.)

I, _____, having been a candidate at the election of councillor for the borough [or ward or electoral division] of _____ on the _____ day of _____ [and my agents do hereby solemnly and sincerely declare that I have paid _____] for my expenses at the said election, and that, except as aforesaid, I have not, and to the best of my knowledge and belief, no person, nor any club, society or association, has, on my behalf, made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that, except as aforesaid, no money, security, or equivalent for money, has to my knowledge or belief been paid, advanced, given, or deposited by anyone to or in the hands of myself, or any other person, for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that I will not at any future time make or be a party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be a party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

Signature of declarant

C.D.

Signed and declared by the above-named declarant on the _____ day of _____, before me.

(Signed) E.F.

Justice of the Peace for

FORM 2.

FORM OF RETURN OF ELECTION EXPENSES.

Municipal [County Council] Election.

Date _____

Borough of _____ [_____ County Council]

_____ Ward [_____ Electoral Division].

I, _____, candidate at the above election held on the _____ day of _____ 19____, make the following return respecting my election expenses during the said election:—

Paid to A.B.	as polling agent.
Paid to C.D.	as clerk.
Paid to E.F.	as messenger.
Paid to G.H.	for hire of committee rooms.
Paid to K.L.	for expenses for holding public meetings.
Paid to M.N.	for printing.
Paid to O.P.	for advertising.
Paid to Q.R.	for stationery.
Paid for stamps, telegrams and miscellaneous matters.	

[The name and description of each person, and the nature of the goods supplied, or the work and labour done by each, must be set out separately, either in the account or in a separate list annexed to and referred to in the account.]

Where a room is hired for a public meeting or as a committee room, it must be sufficiently described so that it can be identified.

Where miscellaneous sums are paid it must be set out to whom and for what purpose.]

Except for sums under 20s., receipts or vouchers must accompany return of expenses.

[Add if necessary—

In addition to the above, I am aware of the following disputed and unpaid claims:—

Disputed Claims.

In addition to the above, I have made [or, am about to make] application to the High Court to be allowed permission to pay the following claims:—

Unpaid Claims.]

Dated this _____ day of _____ 19 .

Signed _____

Candidate.

To the [Deputy] Returning Officer for the Ward _____ [Electoral Division] of the Borough [County] of _____.

FORM 3.

NOTICE OF ELECTION OF COUNCILLORS.

[Being the 8th Schedule of the Municipal Corporations Act, 1882.]

Borough of . . . Election of Councillors for the
 [. . . Ward or several Wards of the] Borough.

Take Notice,

1. That an election of [*here insert the number of councillors*] for the
 [. . . ward or several wards of the] said borough will be
 held on the . . . day of . . .

2. Candidates must be nominated by writing, subscribed by two
 burgesses as proposer or seconder, and by eight other burgesses as assenting
 to the nomination.

3. Candidates must be duly qualified for the office to which they are
 nominated, and the nomination paper must state the surname and other
 names of the person nominated, with his abode and description, and may
 be in the following form, or to the like effect:—

FORM I.

NOMINATION PAPER.

Borough of . . . Election of Councillors for
 Ward in the said Borough [or the said Borough] to be held on the
 day of . . . 18 . . .

We, the undersigned, being respectively burgesses, hereby nominate the
 following person as a candidate at the last election.

Surname.	Other Names.	Abode.	Description.

Signature.	Number on Burgess Roll, with the Ward or Polling District, if any, having a distinct numbering.
A. B. C. D.	

We, the undersigned, being respectively burgesses, hereby assent to the nomination of the above-named person as a candidate at the said election.

Dated this day of 18 .

Signature.	Number on Burgess Roll, with the Ward or Polling District, if any, having a distinct numbering.
E.F. G.H. I.J. K.L. M.N. O.P. Q.R. S.T.	

4. Each candidate must be nominated by a separate nomination paper, but the same burgesses, or any of them, may subscribe as many nomination papers as there are vacancies to be filled for the borough [*or ward*], but no more.

5. Every person who forges a nomination paper, or delivers any nomination paper knowing the same to be forged, will be guilty of a misdemeanor, and be liable to imprisonment for any term not exceeding six months, with or without hard labour.

6. Nomination papers must be delivered by the candidate himself, or his proposer or seconder, at the town-clerk's office, before five o'clock in the afternoon of day the day of next.

7. The mayor will attend at the town hall on day the day of , for a sufficient time between the hours of two and and four o'clock in the afternoon, to hear and decide objections to nomination papers.

8. Forms of nomination papers may be obtained at the town-clerk's office, and the town-clerk will, at the request of any burgess, fill up a nomination paper.

Dated this day of 18 .

A.B., Town-Clerk.

FORM 4.

Municipal [County Council] Election.

Borough of _____ *Ward* _____ *Date* _____
 [_____ *County Council*]
 [_____ *Electoral Division*.]

[Front of Canvass Card.]

Reg. No. _____	<i>Polling District</i> _____
[Name and Address of Elector.]	For
	Against
Remarks.	
Canvassed by _____	
Date _____	

[Back of Canvass Card.]

HOW TO MARK THIS CARD.

1. After careful inquiry, from either the voter or his friends or relations, put an **X** in the proper column, but be as certain as possible before you mark a promise. "Doubtfuls" or "voters by ballot" are usually against you.
2. Special questions, requests for leaflets, &c., should be noted in the "Remarks" space, and reported on your return. The information asked for should be given as soon as you receive it.
3. Report the name of any voter requiring a carriage, with full details.
4. Make judicious use of your leaflets, and do not throw them away promiscuously.
5. In case of *removals*, do your best to obtain the new address; note and report in any case on your return.
6. Where you find that a voter is *dead, absent*, at a distance and unlikely to vote, or *to ill to vote*, note the fact, and report on your return.
7. Remember carefully the warnings mentioned in your instructions.
8. When completed, return this card to your committee room.

FORM 5.

DAILY CANVASS RETURN.

*Municipal [County Council] Election.**Date* _____*Borough of* _____ [*County Council*]_____ *Ward* [*Electoral Division.*]_____ *Polling District.*

The following return includes all cards handed in up to _____ P.M.
on _____ 19____.

For	.	.	.	.	.
Against	.	.	.	.	.
Dead	.	.	.	.	.
Untraceable	.	.	.	.	.
Duplicates	.	.	.	.	.
Balance not dealt with	.	.	.	.	.

Total	.	.	.	_____	No. on Register.

Signed _____*Person in charge.*

[NOTE.—This return must be sent to the central committee room each evening when the local committee room is closed. Each daily return must include those which have preceded it.]

6d.
Stamp.

FORM 6.

HIRE OF COMMITTEE ROOMS.

Municipal [County Council] Election.

Date _____

Borough of _____ [*County Council*]

Ward [*Electoral Division.*]

Memorandum of agreement between _____
and Mr. _____ a candidate in the above election,
relating to the hire of a committee room at _____
[Here follows full description of premises.]

1. The period of hire shall extend from _____
to _____.

2. The lessor will supply reasonable [firing, light, cleaning and
attendance].

3. The rent for the term shall be _____ payable
in advance.

Signed _____

Lessor.

Candidate.

FORM 7.

APPOINTMENT OF AGENT TO ATTEND BEFORE RETURNING OFFICER

ON HEARING OBJECTIONS TO NOMINATIONS.

To the [deputy] returning officer at the election of [county] councillors
for the _____ ward [electoral division] of the said
borough [county] to be held on the _____ of _____ 19 [and to
the town-clerk].

I, _____, having been nominated a candidate
at the said election, hereby appoint A. B. to attend on my behalf the pro-
ceedings before you on the _____ day of _____ 19 .

Signed _____

[NOTE.—This appointment must be delivered to the town-clerk [Returning
Officer or his deputy] before 5 P.M. on the last day for the delivery of
nominations.]

FORM 8.

NOTICE OF APPOINTMENT OF POLLING AGENT.

To the [deputy] returning officer at the election of [county] councillors for the _____ ward [electoral division] of the said borough [county] to be held on the _____ day of _____ 19 .

I, _____, having been duly nominated a candidate at the said election, hereby appoint the following as polling agents to act on my behalf on the day of election, their names and addresses being written hereunder.

Dated this _____ *day of* _____ 19 .

Candidate.

[Polling Agents' names and addresses.]

FORM 9.

APPOINTMENT OF [POLLING AGENT, CLERK, OR MESSENGER].

Municipal [County Council] Election.

Date _____

Borough of _____ [_____ *County Council*]

_____ *Ward* [_____ *Electoral Division*].

I, being a candidate at the said election, hereby appoint you _____ of _____ to act as [clerk] [messenger] [polling agent on the polling day] at the above election, for which you will receive an inclusive sum of _____.

Your appointment determines at the close of the poll, unless previously cancelled.

Dated this _____ *day of* _____ 19 _____

Signed _____

Candidate.

FORM 10.

NOTICE OF APPOINTMENT OF COUNTING AGENTS.

Municipal [County Council] Election.

Date _____

Borough of _____ [_____ County Council]

_____ Ward [_____ Electoral Division].

To the [deputy] returning officer at the election of [county] councillors
for the _____ ward [electoral division] of the said borough [county]
to be held on the _____ day of _____ 19____.

List of Counting Agents.

I hereby give you notice that the undermentioned persons have been
appointed by me to be agents on my behalf to attend the counting of the
votes at the above election.

Name.	Address.

Dated this _____ day of _____ 19____

Signed _____

A Candidate at the above Election.

FORM 11.

CANDIDATE'S NOTICE TO CREDITORS.

Municipal [County Council] Election.

Date _____

Borough of _____ [_____ County Council]

_____ Ward [_____ Electoral Division].

Notice to Creditors.

I hereby give notice that all claims against me, _____
 _____ a candidate in the above election, in respect of the
 above election must be sent to me at the undermentioned address on or
 before the _____ day of _____, otherwise the same will be
 barred within the meaning of Municipal Elections (Corrupt Practices) Act,
 1884, and cannot be paid.

Signed _____

Candidate.

Address to which claims may be sent _____

Dated this _____ day of _____ 19

[NOTE.—This notice, as well as being advertised in the press, should be
 posted to each creditor on the day of the poll.]

FORM 12

INSTRUCTIONS TO POLLING (PERSONATION) AGENTS.

Municipal [County Council] Election.

Date _____

Borough of _____ [_____ County Council]

_____ Ward [_____ Electoral Division.]

1. The poll is open from 8 to 8. You should attend at 7.45, and should bring with you (a) your written appointment as polling agent; (b) your attested declaration of secrecy; (c) your marked copy of the register; (d) refreshments, or make arrangements for their supply. Remember that, if paid, you may not vote.

2. You may not leave the polling booth without the presiding officer's permission, and should you be compelled to go out, get from him a signed order of readmission, and be away as short a time as possible.

3. Your chief duty is the detection of personation, and for this purpose your marked copy of the register is provided. The offence of personation is committed when a person (a) applies for a ballot paper in the name of another, living or dead, or fictitious; (b) who having once voted at the election applies for another ballot paper in his own name. The marks on the register will warn you when to look out for any attempts at personation. Mark off each voter as he votes, and be careful that your marking is clear.

4. As each voter applies for a ballot paper, look if you have any important note against his name. If you have, and your interference is in your candidate's interest, *at once* ask the presiding officer to put the two following questions to the voter, (1) being to ascertain if he is the person whose name appears on the register, and (2) if he has already voted at this election, in the division of the county in question, or in *any* division of the city or borough in question.

Borough (1.) "Are you the person enrolled in the burgess [*or ward*] roll now in force for this borough [*or ward*] as follows [*read the whole entry from the roll*]?"

(2.) "Have you already voted at the present election [*add in the case of an election for several wards, in this or any other ward*]?"

County Council (1.) "Are you the person enrolled in the County register now in force for this electoral division, as follows [*read the whole entry from the roll*]?"

(2.) "Have you already voted at the present election in this or any other electoral division?"

If the answer to (1) is "Yes," and to (2) "No," then the voter has a right to poll, but if you are still dissatisfied with the voter, and your information on the point is precise, you must *at once* take steps to give him into custody, making the accusation in his presence. You should address the presiding officer something to the following effect, but according to the circumstances of the case:—

(1.) "I verily believe and undertake to prove that the person voting is not the person in whose name he assumes to vote."

(2) "I verily believe and undertake to prove that the person voting **has** already voted at this election."

If, however, your information is absolutely certain, you need not require the questions to be put, as even the attempt to obtain a ballot paper constitutes the offence of personation, and you may notify the presiding officer at once, and require the voter to be taken into custody.

Make careful notes of any action you may take with respect to personation, and having obtained the permission of the presiding officer, send these to your central committee room.

5. You are not permitted to interfere with any voter, nor to ask him any questions (with the object of discovering how he intends to vote, or how he has voted), nor are you permitted to give to anyone any information as to how any voter has voted.

6. If a voter inadvertently spoils his voting paper, he is entitled, on delivering it up to the presiding officer and satisfying him of the accident, to another ballot paper, but not if his spoilt paper has once got into the box.

7. Certain classes of voters are allowed to vote otherwise than by ballot. They are as follows: Those who

(a) are blind, or who from some other *physical* cause cannot mark a ballot paper;

(b) declare themselves to be Jews and to have a conscientious objection to voting on their Sabbath (this, of course, only when the polling day is a Saturday);

(c) cannot read.

The presiding officer, in the presence of the polling agents of the candidates, asks the voter for whom he intends to vote. He then marks the ballot paper in accordance with the voter's direction, and places the ballot paper in the ballot box. During this proceeding, steps must be taken to see that no one other than the presiding officer and the polling agents know how the voter has voted.

A voter who cannot read must make a declaration of inability to read before the presiding officer; this is attested and retained. It is as follows:—

I, *A.B.*, of _____, being numbered _____ on the register of voters for the county [or borough] of _____, the _____ division, do hereby declare that I am unable to read.

A.B. { his
mark.

I, the undersigned, being the presiding officer for the _____ polling station for [the _____ division of] the county [or borough] of _____, do hereby certify that the above declaration, having been first read to the above-named *A.B.*, was signed by him in my presence with his mark.

(Signed) *C.D.*

Presiding Officer for _____ polling station for the county [or borough] of _____, the _____ division.

8. As you are obliged to keep the rules, so you are entitled to see that others do the same.

9. Read the Rules of the Ballot Act which relates to polling, &c., Appendix (pp. 36, *et seq.*).

10. At the close of the poll return your register to your district committee room.

FORM 13.

POLLING CARDS.

Municipal [County Council] Election.

Date _____

Borough of _____ [_____ County Council]

_____ Ward [_____ Electoral Division].

Polling Day _____ day 19 _____, 8 A.M. to 8 P.M.

You vote at _____

Your number on the register is _____

Name (as on register).

Address.

You are earnestly requested to vote for Mr. Jones, and to VOTE EARLY. You do this by making a X on the ballot paper in the space opposite Mr. Jones's name.

JONES.	X
SMITH.	

Do not sign your name or make any other mark than the X or your vote is lost.

Fold up your ballot paper when marked, and drop it into the box. After voting, kindly leave this card with Mr. Jones's worker outside the polling station or at his committee-room.

The ballot is secret. **No one can tell for whom you have voted.**

FORM 14.

CIRCULAR FOR LOCAL MEETING.

[Address.]

Municipal [County Council] Election.

Date _____

Borough of _____ [_____ County Council]

_____ Ward [_____ Electoral Division.]

DEAR SIR [or MADAM],

A meeting in support of Mr. _____
 the _____ Candidate, will be held in the _____
 on _____, which will be addressed by Mr.
 _____ and other gentlemen.

The Chair will be taken precisely at _____ by Mr. _____
 Questions to the Candidate are invited. You are earnestly requested to
 attend.

Yours truly,

Chairman of Committee.

FORM 15.

NOTICE TO LICENCE HOLDERS.

Municipal [County Council] Election.

Date _____

Borough of _____ [_____ County Council]

_____ Ward [_____ Electoral Division].

I, the undersigned, being a candidate at the above Election, hereby give you notice that I will not be answerable for the cost of any meat, drink, refreshment, tobacco, or other entertainment supplied to any person claiming or pretending to act on my behalf. The only charge for which I will be answerable is the sum of _____ to be paid you for the hire of a room to be used for the purpose of a public meeting on _____.

Dated this _____ day of _____ 19____.

Candidate.To Mr. _____

